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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. GILLMOR).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 22, 1998.

I hereby designate the Honorable PAUL E. GILLMOR to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

Reverend Adrian Condit, Baptist Pastor, retired, Ceres, California, offered the following prayer:

Our Heavenly Father, as we come into Your holy presence this morning, we come, first of all, to give You praise and thanks for Your abundant grace that has abounded to us. We thank You as individuals, for we have all tasted of Your kindness to us through our Lord Jesus Christ in our homes throughout our great Nation. For over 200 years, Your hand of mercy has been extended to us many times, in war, through our social ills, and in times of economic distress. And today we stand at the threshold, Our Father, of turning the corner into the 21st Century.

As I stand here in this hallowed place, I feel so very small and so very humble, but I know that I am praying to the Creator of heaven and earth. I am praying for these men and women who stand before me here today, for they have the power to make decisions that affect people's lives, and sometimes change their lives forever; and if anyone ever needed wisdom from above, it is these who stand here in this House and transact business as the government of the people and for the people. I pray, my Father, for each of them to be very sensitive to Your presence and to Your leadership in their lives.

I especially pray for my own son, Congressman GARY CONDIT. Father, You know that I am very proud of him, and ask for Your special touch upon his life.

As we write the last chapter of this century, may we not forget the words of Our Loving Lord, when He said, ''A house divided against itself shall not stand.''

I pray that we will see a state of unity in this House among both parties; that we may finish our task and be able to write a chapter of success and achievements that will usher in the new century, blessed by God Almighty, giving hope and life for our children, grandchildren and great grandchildren, and to as many generations for as long as time permits.

May we be able to say with truth that we are one Nation, under God, indivisible, with liberty and justice for all.

In the name of our Loving Lord and Saviour, Jesus Christ, I pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. CONDIT) come forward and lead the House in the Pledge of Allegiance.

Mr. CONDIT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate passed a bill of the following title, in which concurrence of the House is requested.

S. 414. An act to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There will be 15 1-minute speeches on each side this morning, following the 1-minute from the gentleman from California (Mr. CONDIT).

INTRODUCTION OF GUEST CHAPLAIN ADRIAN CONDIT

(Mr. CONDIT asked and was given permission to address the House for 1 minute.)

Mr. CONDIT. Mr. Speaker, a moment ago we heard the opening prayer presented by my father, the Reverend Adrian Condit. I want to thank the Speaker, as well as Chaplain Ford, for extending this courtesy to my father.

My family has been honored that my father has been allowed the privilege of offering the opening prayer both here and in Sacramento before the California State legislature. Along with my family, I deeply appreciate this privilege and honor. I benefited from his counsel throughout my life, and I am proud to be able to share him with you this morning; to share him with my colleagues and the Nation.

There are three generations of Condits here today. In addition to my father, my son, Chad, is here in the gallery as well.

Again, Mr. Speaker, I want to thank you a lot. This means a lot to us this morning. This is a memory that the Condit family will cherish for a long time. I want to thank you for allowing us this opportunity this morning.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members should avoid references to the gallery.

TAX LIMITATION AMENDMENT WORKS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I rise today to tell my colleagues, and as well, the American people, that the tax limitation amendment works. Fourteen States have now adopted language that includes tax limitations, including my home State of Nevada.

In tax limitation States, taxes grow more slowly and government spending grows more slowly. On the other hand, the economies expand faster and the job base grows more quickly. Today, we have an opportunity to allow the Federal Government and the national economy to get the same benefits.

It is helpful for us to remember that after taking control in 1994, the Republican Congress balanced the Federal budget for the first time in a generation. It was done by reducing wasteful government spending, not by raising taxes.

Now that we have reached a balanced budget, the tax limitation constitutional amendment will ensure that future Congresses do not resort to the old ''tax and spend'' ways of the past. This legislation makes raising taxes on the American people exactly what it should be, a last resort.

Mr. Speaker, I urge my colleagues to join me in support of this important and much-needed legislation.

SCHEDULE VOTE ON TOBACCO LEGISLATION TODAY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, for years tobacco companies have set their sights on America's young people, pinpointing the most appealing way to market their product to them, and deliberately hooking our kids on cigarettes.

A 1984 R.J. Reynolds marketing report says it all: Young people are the ''only source of replacement smokers,'' and that if kids ''turn away from smoking, the industry must decline, just as the population which does not give birth will eventually dwindle.''

Yet the Republican leadership has refused to act to protect our kids from this deadly habit, perhaps because the tobacco companies are the largest corporate contributors to the Republican Party.

Every day the Republican leadership fails to schedule debate on comprehensive tobacco legislation, 3,000 more kids in America will pick up this deadly habit, and 1,000 of them will eventually die of a tobacco-related illness.

Mr. Speaker, do the right thing. Schedule a vote on tobacco legislation today.

TIME TO HEAL WOUNDS IN SOCIETY

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, once again the New York Stock Exchange has set a new record as it presses on to the 10,000 mark. Our economy is strong nationwide, consumer confidence is very high, and unemployment is at its lowest point, with 2,200,000 people working today that were on welfare in 1994.

With all the good things that are happening today, with all the benefits from being the strongest market in the world, we have overlooked this emptiness in our Nation's soul. The symptoms are everywhere. They are in the paper, on the radio, on prime time television. People no longer honor their commitments, driving divorces up in America. Spousal abuse is up as people deal with life's frustrations without consideration for each other. Children are abused and forgotten in the whole process as people try to put their lives back together again.

Let us heal these wounds in our society by returning to faith in God and the values and virtues that built this great Nation.

BEST FOREIGN POLICY IN CHINA'S HISTORY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, with $60 billion, China buys California naval bases, missiles, attack aircraft, nuclear submarines. If that is not enough to tax your limitation, China then sells missiles to Iran and Pakistan to get more money, and then they use that money to control the Panama Canal.

Now, if that is not enough, folks, check this out: An American company recently gave missile secrets to China that the Pentagon admits these secrets can help China hit every American city right between the eyes with one of their nuclear missiles. Beam me up.

When is the White House going to realize that America has crafted the best foreign policy in China's history?

I yield back the balance of any common sense left in our Capitol.

PAY DOWN THE DEBT

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, welcome back to all my colleagues from the Easter break work period. I am interested in hearing the collective view of our Nation's citizens from my colleagues. I will share mine.

From the 20th District of Illinois comes one consistent message on the budget surplus: Pay down the debt. Pay down the debt. Pay down the debt. It is the best way to ensure economic growth and opportunity for all, and the most important method of ensuring Social Security.

Let us work toward that end.

BEGIN WITH CONSERVING THE HEALTH OF AMERICA'S YOUNG PEOPLE

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, it is alarming, but hardly surprising, to find the House Republican leadership continuing to do the bidding of the tobacco lobby. Within the last few days, the Speaker has declared that Joe Camel had nothing to do with youth smoking, and today the House Republican whip has opposed efforts in an article in the Wall Street Journal, of course, to reduce youth smoking by raising the price of tobacco.

This is the same House Republican leadership that last year thought the way to a tobacco settlement was to approve a $50 billion tax break for the tobacco lobby. The only thing I can find to agree on this subject with Speaker GINGRICH on is we need a conservative approach, a very conservative approach that begins with conserving the health of America's young people; not protecting the nicotine peddlers who have exploited them at the same time they have funded the Republican Party.

FREE NEEDLE POLICY WRONG

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, what can we say about the Enabler in Chief, who has just announced a policy that will actually put the Federal Government in the business of handing out needles to illegal drug users?

The government often does stupid things. The American people know that, and they despair at many of the dumb things the government tries to do. But the government should not be doing dangerous things, especially when people are at their most vulnerable, and they are the ones who will suffer the consequences.

But here we have a government that is at its most misguided, most irresponsible, and most dangerous. The administration is using bad science done by left-wing radicals with an agenda, and basing national policy on a pack of lies. Adults with alcohol addiction do not need enablers who indulge their weakness for alcohol. Kids who take up smoking do not need enablers to provide them with low-tar cigarettes on the theory, well, they are going to smoke anyway.

□ 1015

Drug addicts do not need needle enablers who help them continue their illegal drug use by giving them free needles. Mr. Speaker, this policy is nuts.

CHILDREN NEED TOBACCO OUT OF THEIR LIVES

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, our national effort to hold the tobacco companies responsible for their criminal behavior of the past, of intentional efforts to hook our children on tobacco and nicotine, was dealt a major setback when the Speaker of the House has indicated that it may be difficult for the House to pass tobacco legislation. It will only be difficult if the Speaker of the House does not schedule the bill.

It is the Speaker of the House, the gentleman from Georgia (Mr. NEWT GINGRICH), who has the power to schedule the bill or not to schedule the bill, and then the House can address the outrageous behavior of the tobacco companies toward America's children.

The Speaker spent the last 2 weeks traveling in America talking about lessons learned the hard way. Maybe the lesson learned the hard way is if they take their money, a million dollars of tobacco money, the Republicans cannot find it in their hearts to get America's children off of tobacco. If Members take a million dollars of tobacco companies' money, they try in the middle of the night, as the Speaker did last year, to put a $50 billion tax break for the tobacco companies in the Tax Code.

Mr. Speaker, the lesson learned the hard way is that children need tobacco out of their lives.

LET US REMEMBER TO THINK GLOBALLY AND ACT LOCALLY FOR THE ENVIRONMENT

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, let us not forget that today is Earth Day. Of course, Earth Day is an important day for all of us who care about our environment. Clearly, one message of Earth Day we should never forget is to think globally and act locally.

I am proud of the locally-led efforts in the South Side of Chicago and the south suburbs of Chicago that have worked to establish some important local environmental initiatives: to establish the Midewin National Tallgrass Prairie in the former Joliet Arsenal, efforts to establish the Calumet National Heritage area in the biState area northwest in Indiana, in the South Side of Chicago efforts to save the Kankakee River from sand and silt sedimentation.

All three are local priorities, locally led; local partnerships working to save the environment locally. The Midewin National Tallgrass Prairie is the largest conservation area of its kind, the first national tallgrass prairie. Calumet National Heritage Area will be a unique biState national ecological area established in a former industrial area. And, of course, the Kankakee River, the solution to save the Kankakee River, deserves the same kind of national priority as restoration of the Everglades.

Let us remember to think globally and act locally. It works.

LET US ADDRESS THE QUESTION OF TEEN SMOKING IN AMERICA

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I rise today to speak out about tobacco. It is time for the Congress to do the right thing. Unfortunately, the messages coming from the Speaker's Office are mixed. One day, we ought to do something; the next day, it is too big a burden. It is not too big a burden. We have to protect our young people.

Each day, approximately 6,000 young people try a cigarette. Each day, 300 become long-term smokers. The average teen smoker starts at age 13. Among adults who smoke daily, 82 percent started as teenagers. We can address this problem if we put aside the rhetoric and get down to business.

We are very serious about teen drinking, and we prohibit it. We need to be equally vigilant about teen smoking. We have the means; we have the wherewithal. The only question that remains is whether the Republican leadership has the will.

Please, let us address the question of teen smoking in America.

WE MUST BE SOUND ENVIRONMENTAL STEWARDS

(Mr. BOB SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, today we celebrate Earth Day, a day to remember that we must all be conscious of the obligation we have to be sound environmental stewards. In centuries past, mankind was occasionally careless or unaware of the need for environmentally responsible behavior, but modern science has brought about new awareness of the problems that shortsighted practices pose for future generations who inhabit this resource-rich planet.

The good news is that the scientific age has also brought about the technological revolution to both combat environmental degradation and to maintain the integrity of our natural surroundings. Businesses across the country now adopt environmentally safe practices, due to their awareness of their importance to our future and because technology is now available to make such practices an everyday reality. Earth Day is a day to bring both parties together, for all Americans value clean water, clean air, and a healthy planet. Let us celebrate today, that special day.

AMERICA DESERVES A COMPREHENSIVE TOBACCO REFORM BILL NOW

(Mr. ROTHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Speaker, for the past 50 years the tobacco industry has waged a war of deception against the American people. They have tried to hide the terrible toll that cigarettes take on our children, our families, and on our society. So it should be no surprise that the tobacco industry is trying to deceive the United States Congress. The problem is that the leadership of the United States Congress is falling for the industry's spin, hook, line, and sinker.

Mr. Speaker, Joe Camel is part of the problem. It is time for Congress to solve the Joe Camel problem. This year Congress can pass a comprehensive law to protect America's young people from cigarettes and at long last hold the tobacco industry responsible for 30 years of deception.

Every day in America more than 6,000 American children start smoking. We cannot wait any longer. The American people deserve a comprehensive tobacco reform bill, and they deserve it now.

NEEDLE EXCHANGE PROGRAM REFLECTS A DISASTROUS FEDERAL DRUG POLICY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, what is it about 1960s liberals and their absolute incapacity to distinguish between good science and bad? Again and again we see the same pattern where left-wing politics trumps science when it comes to regulation, environmental policy, secondhand smoke, safety and risk studies, global warming and, now, free needles for illegal drug users. It is always the same story: bogus science and new government programs.

Many commonsense Democrats do not support this newest outrage. Soccer moms taking their kids to school certainly do not favor this policy. The President's own drug czar does not support this policy. Experts who have studied the problem do not support this policy; experts, that is, who believe that politics should not get in the way of good science.

No, Mr. Speaker, the people who fail to fight the drug war and who make excuses for that failure to protect kids from drugs are the ones behind this disastrous policy.

DISCHARGE PETITION WILL ALLOW A FULL, FAIR, AND OPEN DEBATE ON CAMPAIGN FINANCE REFORM

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, as a number of individuals have mentioned this morning, today is Earth Day. I have some very important legislation, the leaking underground storage tank bill, that I would like to address. But as I was sitting there waiting for my turn, I could not help but notice that two of our Democratic colleagues got up and signed the discharge petition for campaign finance reform.

The Democratic Party is leading a fight for campaign finance reform, true campaign finance reform. What the discharge petition says, if we can get 218 signatures on it, is to bring forth our petition, which says let us have a full, fair, open debate on campaign finance. It does not endorse any proposal but lets us have a true, fair, open debate on campaign finance.

Unfortunately, the Republican Party leadership will not allow this to happen, so we have to use the discharge petition. So with two more Members signing today, we are now up to 204. We need 14 more Members to come down, have the courage to come down to the well of this floor and sign our discharge petition.

Mr. Speaker, the Democratic Party is leading the fight to have campaign finance reform, without endorsing any proposal. Let us do campaign finance reform. Sign the discharge petition.

TIME FOR CONGRESS TO PASS THE TAX LIMITATION AMENDMENT

(Mr. WATTS of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATTS of Oklahoma. Mr. Speaker, the Constitution of the United States provides for 10 instances in which a supermajority is required for legislative approval. In other words, there are 10 occasions where legislators are required to have more than a majority of votes for legislative changes to be made. I think we need an 11th. It is time for Congress to pass the tax limitation amendment to the Constitution.

The reasons why should be obvious to all Americans who pay taxes, but, just in case, let me explain. The main reason is because politicians who run on promises of tax cuts often end up doing exactly the opposite. They pass tax increases.

Just recall for a moment back in 1992 when a certain presidential candidate ran on a middle-class tax cut and, surprise, surprise, what do we get? We got a tax increase, the largest in U.S. history. Middle-class families now fork over between a quarter and a half of their income to the very politicians who have broken middle-class tax cut promises again and again. This amendment will make that a lot more difficult.

FIFTY-FIVE WOMEN IN CONGRESS SETS NEW RECORD

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, the House has just set another record, 55 strong; 55 strong women, that is, two new Democrats, one new Republican, all three gentlewomen from California, Representatives LOIS CAPPS, MARY BONO, and BARBARA LEE. Our thanks to California for sending us all three, for it is California that has made us 55.

The gentlewoman from California (Representative MARY BONO), a Republican, and the gentlewoman from California (Representative BARBARA LEE), a Democrat, were both sworn in yesterday. They embraced warmly on the floor in the spirit of our bipartisan Women's Caucus. Congratulations to the Democrats for the gentlewomen from California, Representative LOIS CAPPS and Representative BARBARA LEE, congratulations to the Republicans for the gentlewoman from California (Representative MARY BONO), and a special message for the Republicans: If they must send us more Republicans, please let them be women!

FREE NEEDLES TO DRUG ADDICTS, THE LATEST PROGRAM OF GOVERNMENT HANDOUTS

(Mr. THUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THUNE. Mr. Speaker, there the liberals go again. I do not get it. I do not get why the President is opposing his own drug czar by announcing that the Federal Government now wants to start another program of government handouts.

Enthusiasm for government handouts is nothing new for this administration, only this time the government wants to start handing out free needles to drug addicts. Instead of trying to get drug addicts off the street and into a program that will stop their self-destructive behavior, the government will now give a green light to their drug habit and send them on their way with clean needles so that they can, get this, abuse drugs safely.

I have had about enough of the liberal insanity, and I think that most Americans are tired of left-wing experts peddling a policy based on bogus science that runs counter to common sense.

The liberals love to come up with new handouts: money, condoms, free this and free that. Now, just when we think it cannot get any worse, free needles for safe shooting. Safe shooting, America.

ON EARTH DAY, A REMINDER OF TWO ENVIRONMENTAL BILLS LOCKED UP IN THE HOUSE

(Mr. HINCHEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINCHEY. Mr. Speaker, as has been noted a couple of times here this morning, today is Earth Day. It is the day in which we remind ourselves of the symbiotic relationship that exists between our species and every other species on the planet and how dependent everything else is on Earth upon our actions.

It is also important for us to observe today that there are a number of environmental bills that are pending in this House, or I should say really locked up in this House, that are not making progress. I will mention just two, the Federal Superfund, which needs to be reauthorized, and the Endangered Species Act.

With regard to the Endangered Species Act, a recent poll of more than 400 American biologists indicates that they are deeply concerned about the loss of biological diversity which we are currently experiencing. They estimate that up to one-fifth of all the species on the Earth will be wiped out within the next 30 years, unless we do something to protect the habitat of these species.

We are directly linked to everything else on Earth. We have a responsibility to protect them. We have a responsibility to pass the Endangered Species Act and get other important environmental bills out on this floor.

□ 1030

JUDGE STARR IS MAKING PROGRESS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, we hear quite often these days that Judge Starr is taking too long in his investigation of the White House and their various scandals. I would say one thing to my Democrat colleagues. Number

one, obviously it would not take so long if we would have someone that would cooperate at the White House, but there is a lot of stonewalling and general shenanigans going on when asked even the straightest of questions.

Looking at it historically, James Walsh spent 7 years investigating on Iran-Contra and spent about $50 million, and I do not believe got any convictions. The Democrats spent 8 years investigating HUD Secretary Samuel Pierce and the Democrats spent 7 years on a special investigation of Ray Donovan, Labor Secretary, and none of these brought convictions.

In contrast, Judge Starr has spent 4 years and gotten 13 convictions, including an ex-Governor coincidentally from the President's home State, an Associate Attorney General, all kinds of high, very close advisors to the President of the United States.

Mr. Speaker, I would not suggest that there is guilt by association. Just because all of one's friends are in jail does not mean that they are guilty, and does not mean that they were with them when it happened. But let us not go around saying that Judge Starr is not making progress, because he certainly is.

THE CIRCUS HAS COME TO TOWN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, today the circus has come to town. On the floor of the House today our Republican friends want to put the super tax bill requiring two-thirds of this entire House to raise revenue. At the same time, however, only 51 percent of those voting are required to spend revenue.

What does this do? Actually, it shuts down the government. Super paralysis. We cannot pay for health and human services, education, veterans benefits, Social Security.

Super deficits. Well, we can spend money but we cannot raise the money to pay for it. What does that mean? Deficit spending.

Super loopholes, so therefore if there is a loophole for the rich guy, we cannot find it.

Super tobacco. We cannot pass the McCain bill that requires children to stop smoking.

And, yes, the super minority holding hostage the majority. It means a recalcitrant few can keep us from funding veterans benefits, defense, health care, Social Security, Medicare.

Yes, the circus has come to town, Mr. Speaker. The circus is good for kids, but it is not good for running the American government.

TAX LIMITATION AMENDMENT

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, it is kind of comical to listen to some of our liberal friends debate the tax limitation amendment. They do not like it. They really do not like it. They do not like the idea that Congress must get a supermajority before passing legislation to erode our freedoms.

They do not mind eroding freedoms when it comes to ideology that opposes freedom. Even though our Founders fought a revolution to win our freedom, and even though the overwhelming majority of Americans would vote for freedom when given the chance, the Democratic Party stands opposed to the idea that it should be difficult to erode basic freedoms.

Mr. Speaker, the fact is that Americans on average have to work until May 11th just to pay the tax man. The average American family spends more for taxes than for food, clothing, and shelter combined.

I think the time is long since past to say enough is enough. May 10th in 1998 is already too much freedom lost. That is why we need to pass the Tax Limitation Amendment tomorrow so that Americans can have more freedom, so that they can keep more of their money to spend on their families and their priorities. I hope the amendment passes.

UNDERAGE SMOKING SHOULD BE CONGRESS' TARGET

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, we see the House Republican leadership and the tobacco industry are united in their message. They are both attacking big taxes, big government, and saying there they go again.

Tobacco companies have full page ads in newspapers all over the country saying, ''We want to attack big taxes and big government.'' Well, so do we. But what I want to be concerned about is the children that they have admitted to addicting for many years to tobacco.

In testimony before our Committee on Commerce they agreed they marketed their industry to children 12 years old, 13 and 14-year-olds. That is why they agreed to a settlement to pay for what they did for the last 30 years to have those children addicted who are now my age. That is why they agreed to pay $300-plus billion now.

What we want to do is make sure they do not continue to do that to the next generation, to addict more Americans at a young age. It is really sad that more children know Joe Camel than know Mickey Mouse. That is because of the success of their advertising campaign.

Mr. Speaker, instead of attacking big government and big taxes, why not attack the issue of trying to stop children from smoking?

TOBACCO SETTLEMENT IS A FARCE

(Mr. COOKSEY asked and was given permission to address the House for 1 minute.)

Mr. COOKSEY. Mr. Speaker, many years ago Charles Kuralt was ''On the Road'' and he was interviewing a farmer from Georgia and he asked that farmer, he said, ''What are the biggest problems in this area today?'' And that farmer said, ''The two biggest problems are kudzu and Baptist preachers.''

Well, Mr. Speaker, I beg to differ with that farmer. The two biggest problems in this country today are trial lawyers and tobacco. They are both bad. They are bad for this country. They are bad for the people's health and they are the ones that are trying to perpetrate this problem, this tobacco settlement, on this country today.

I am a physician. I spent my career taking care of people with health problems, and I promise, tobacco is bad. We have been publicizing it for years. It has been on the tobacco packages since 1962. Mr. Speaker, anybody that smokes cigarettes is crazy.

But this tobacco settlement is a farce that is strictly to transfer money to the trial lawyers and to create a lot of unfounded hope for money to support programs that will never be done.

TOBACCO IS THE GATEWAY DRUG TO MARIJUANA AND CRIME

(Mr. BALDACCI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALDACCI. Mr. Speaker, Maine unfortunately leads the Nation in the category of teenage smoking and the increases in teenage smoking. Over 3,000 children every day are getting hooked on cigarettes and a thousand of them are dying because of it.

Today a family came down from Maine and their daughter, Karen, is doing a study on tobacco. She is in the eighth grade and she is interested in history. She is the daughter of Sue and Kenny Cota from Maine.

One of the things that was remarked about was the ability, that if this were a drug cartel from Colombia that wanted to be able to addict 25 percent of our population, this Congress and this leadership would be falling all over themselves to do whatever they could do to make sure they put them out of business. But since it is the tobacco companies and the tobacco contributions and the tobacco influence, it seems that we are at a standstill from addressing the real problems that are confronting the young people of today.

All the studies that are in the newspaper today show that smoking and marijuana are hooked together. Smoking, marijuana, drugs, and crime are hooked together because they commit the crimes to be able to pay for the smoking, marijuana, and drugs.

When we talk about teen violence and crime, it is cigarettes that are the gateway drug. We have got to address this issue. I ask the leadership to address this issue and to have good, strong tobacco legislation to stop young people from smoking.

TAX LIMITATION AMENDMENT IS STRAIGHTFORWARD

Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, later this afternoon we are going to have a debate and a vote on the two-thirds tax limitation amendment to the Constitution of the United States.

This amendment is very straightforward. If it passes and it is passed in the Senate and goes to the States and is ratified by three-fourths of the States, it would make it a voting requirement. To pass a tax increase in either body or to expand the tax base would take a two-thirds vote instead of the one-half plus one vote that it now currently takes.

Mr. Speaker, when the gentleman from Texas (Mr. GREEN), my good friend from Houston, was up here earlier talking about all the bad things that might happen and all the programs that might not be funded, I would point out that we are moving into a budget surplus. We would still have those programs. But if we wanted to spend more money, we would have a debate on spending priorities, not on tax increases, unless we could get a consensus. We would need a two-thirds vote in both houses of Congress to pass a tax increase.

Mr. Speaker, I urge all of my colleagues to vote for the two-thirds tax limitation amendment.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore (Mr. WATTS of Oklahoma) laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, March 31, 1998.

Hon. NEWT GINGRICH,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on March 24, 1998 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

With kind personal regards, I am

Sincerely,

BUD SHUSTER, *Chairman.*

Enclosures.

RESOLUTION

[Docket 2551—Bronx River Basin, New York]

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Bronx River, New York, published as House Document 897, 62nd Congress, 2nd Session, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time, in the interest of water resources development, including flood control, environmental restoration and protection and other related purposes.

Adopted: March 24, 1998.

Attest.

BUD SHUSTER, *Chairman.*

RESOLUTION

[Docket 2550—Mile Point, Florida]

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on Jacksonville Harbor, Florida, published as House Document 214, 89th Congress, 1st Session, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of navigation and other related purposes, with particular reference.

Adopted: March 24, 1998.

Attest.

BUD SHUSTER, *Chairman.*

RESOLUTION

[Docket 2549—Spring Bayou Area, Louisiana]

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Mississippi River and Tributaries Project, published as House Document 308, 88th Congress, 2nd Session, to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of a comprehensive plan of improvement for environmental restoration and protection, flood damage prevention, improved drainage, and other related purposes in the Spring Bayou area.

Adopted: March 24, 1998.

Attest.

BUD SHUSTER, *Chairman.*

RESOLUTION

[Docket 2548—Rahway River Basin, New Jersey]

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Rahway River, New Jersey, published as House Document 67, 89th Congress, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time, in the interest of water resources development, including flood control, environmental restoration and protection and other related purposes.

Adopted: March 24, 1998.

Attest.

BUD SHUSTER, *Chairman.*

There was no objection.

MAKING IN ORDER ON TODAY OR ANY DAY THEREAFTER CONSIDERATION OF H.R. 3164, HYDROGRAPHIC SERVICES IMPROVEMENT ACT OF 1998

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that it be in order on today, or on any day thereafter, for the Speaker, as though pursuant to clause 1(b) of rule XXIII, to declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 3164) to describe the hydrographic services functions of the Administrator of the National Oceanic and Atmospheric Administration, and for other purposes, and that consideration of the bill proceed according to the following order:

One, the first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI or section 303(a) of the Congressional Budget Act of 1974 are waived.

Two, general debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources.

Three, after general debate the bill shall be considered for amendment under the 5-minute rule.

Four, in lieu of the amendment recommended by the Committee on Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1 pursuant to clause 6 of rule XXIII. Each section of that amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI or section 303(a) of the Congressional Budget Act of 1974 are waived.

Five, during consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read.

Six, the Chairman of the Committee of the Whole may, one, postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and, two, reduce to 5 minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting in the first in any series of questions shall be 15 minutes.

Seven, at the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text.

Eight, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

HYDROGRAPHIC SERVICES IMPROVEMENT ACT OF 1998

The SPEAKER pro tempore. Pursuant to the order of the House of today and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3164.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3164) to describe the hydrographic services functions of the Administrator of the National Oceanic and Atmospheric Administration, and for other purposes, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of today, the bill is considered as having been read the first time.

The gentleman from New Jersey (Mr. SAXTON) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of H.R. 3164 is to speed up the critically needed improvements to our Nation's nautical charting program. Nautical charting receives much less publicity or funding than either highway construction or airline safety, but it is just as important to the United States' economy, particularly in today's world of international trade.

☐ 1045

However, funding for nautical charting has been cut in half over the last 15 years, and at the present time it will take nearly 30 years just to bring the minimum number of charts necessary to ensure safe navigation in U.S. waters up to modern standards.

Congress has recognized the need for more support for this program and increased appropriations for nautical charting over the last 4 fiscal years. However, with only three Federal survey ships available, serious efforts to reduce the charting backlog will require a partnership between the Federal Government and private contractors. This process has moved slowly over the last 3 years due to disagreements over the extent of Federal and private responsibilities in ensuring data accuracy.

H.R. 3164 defines these responsibilities, allowing the process of reducing the backlog to proceed more quickly. It authorizes the National Oceanic and Atmospheric Administration to maintain sufficient ships and personnel to certify the accuracy of charts and protect the government from liability.

After this requirement is satisfied, all additional survey work will be carried out by the private sector. H.R. 3164 also sets policy for modernizing tide and current prediction systems in major ports and authorizes increased appropriations for nautical charting and tide and current programs.

At the funding levels authorized in this bill, the survey backlog could be completed at least 30 percent faster, and commercial vessels as well as private boats would be able to take advantage of modern navigational technologies, and have the potential to significantly improve safety and efficiency on our waterways.

Mr. Chairman, investing in these programs yields a huge payoff in both economic competitiveness and environmental protection. We need to make this small investment now in order to protect ourselves from possible serious dangers in the future.

The bill is an important step in the right direction, and I urge all of my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to first commend my good friend, the gentleman from New Jersey (Mr. SAXTON), chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans, for his leadership and for bringing this piece of legislation to the floor for consideration by this body.

I rise in strong support of H.R. 3164. The need for accurate nautical charts to promote safe navigation was recognized by Thomas Jefferson, who as President in 1807, established a coast survey to produce charts and collect other data needed by mariners. Maritime transportation and the technology used in collecting and disseminating nautical data have changed dramatically since then, but the need for accurate and timely data for safe navigation has not.

Mr. Chairman, in recent years our Federal program to produce nautical charts carried out by the National Oceanic and Atmospheric Administration has fallen on hard times. In constant dollars, funding for these activities has fallen 50 percent over the last 25 years.

NOAA currently has only three ships in service collecting charting data, down from 11 vessels in 1971. Yet there is a backlog of some 39,000 square miles of heavily traveled marine areas with inadequate or obsolete surveys. Many of these areas were last surveyed with weighted lead lines, a technology that Mr. Jefferson would have been familiar with.

With today's tight budgets and rapidly changing technology, Mr. Chairman, there is a recognition that NOAA's nautical charting program needs to be modernized. H.R. 3164 provides a blueprint by which NOAA can continue to provide data vital to the maritime community while allowing the maximum opportunity for the private sector to participate in that process. The subcommittee chairman, the gentleman from New Jersey (Mr. SAXTON) has very effectively detailed the specifics of what H.R. 3164 will provide.

Mr. Chairman, suffice it to say, H.R. 3164 establishes clear and appropriate roles for the government and the private sector in the collection, processing and dissemination of nautical data. Importantly, the bill provides NOAA with the flexibility to require the services of contractors based on qualification and not on cost. This change in law is especially important in the collection of hydrographic data where lives and property could be lost if mistakes are made.

Mr. Chairman, in short this is win-win legislation. The private sector benefits from an increased share of NOAA's charting work being outsourced; the government benefits from its being able to avail itself of the latest technology through contractors without being burdened by substantial acquisition costs for capital assets. The public benefits from having more accurate, up-to-date nautical charts produced at lower cost.

In summary, Mr. Chairman, the bill authorizes a total of $581 million for 5 years for hydrographic and geodetic programs for the National Oceanic and Atmospheric Administration. The bill also clarifies NOAA's hydrographic responsibilities. It requires NOAA to the greatest extent possible to contract with private sector companies to conduct nautical surveys and prepare nautical charts. It authorizes NOAA to maintain sufficient vessels, equipment and expertise to certify the accuracy of U.S. nautical charts and other hydrographic products.

The bill also establishes a quality assurance program under which NOAA may certify that non-Federal hydrographic products meet Federal standards and provides for the modernization of tide and current measurement systems in major ports.

The measure is intended to enact into law the division of survey and other responsibilities agreed to in 1997 between NOAA and the private sector, and to increase funding for these activities so that the existing backlog of nautical surveys may be more quickly addressed.

Mr. Chairman, I urge my colleagues to support this piece of legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. SAXTON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Chairman, I yield 7 minutes to the gentleman from Ohio (Mr. TRAFICANT), my good friend.

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Chairman, I want to thank my good friends the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from New Jersey (Mr. SAXTON). I commend them on a fine bill.

I guess I am talking about an issue that no one seems to talk about, and I, for the life of me, do not understand it. This past month we had another record trade deficit. China is exceeding $5 billion in surpluses every month with Uncle Sam now. And Japan, who has been threatened by every President since Nixon with sanctions if they did not open up their markets, is cleaning our clock in excess now of $60 billion. If you are an American worker, this is about the plight of it.

American televisions are made in Mexico. American typewriters are made in Mexico. American telephones are made in Singapore. American computers and VCR's are made in China and Japan; radios in China and Japan; high-tech electronics, China and Japan. America is slowly again becoming a colony, a colony of trade activity. To me, it is unbelievable.

Another record trade deficit, in my opinion, that endangers our national security where China is now buying missiles, attack aircraft, and nuclear submarines with our dollars, and for the life of me, it seems nobody is listening.

More of our products are being made overseas. And the final insult to what is the intelligence of the American people, time after time foreign products come into America bearing a fraudulent ''Made in America'' label and they continue to laugh in our face. I support this bill 100 percent.

I am furthermore confident about its impact because of the chairman and the people who have crafted the legislation. But I want to say this: My little amendment, I think, should even be expanded in this Congress and should be fortified. But I will be offering an amendment that I would like Members' support on that would do the following:

It says that anyone who gets any money under this act shall basically agree to comply with the Buy American Act that has been passed and set into law by the Congress.

Second of all, it says that when anybody is getting money under this bill, we cannot force it, but Congress encourages them; that is how weak we are, to at least buy and shop for American-made goods and products.

Third of all, we say the Secretary of Commerce shall provide to anybody getting any money under this act a notice where the Congress encourages them to wherever possible try and buy one from the Gipper. And finally, this legislation would prohibit any contracts being awarded to anyone who fraudulently places a ''Made in America'' label on a foreign import. That may be more important than all of it, but let me just let the Congress of the United States know, they are being authorized for appropriation $800 million under this bill.

I am hoping my good friend from Louisiana, one of the strongest proworker representatives in the Congress, would also take a look at the 1–800 Buy America bill.

Mr. SAXTON. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Chairman, I just wanted to commend the gentleman for the well-thought-out amendment. It certainly does a great deal to enhance our bill. As one of our staffers said a little while ago, we should have thought of this ourselves. I commend the gentleman for his forethought and his effort in bringing the amendment to the floor, which apparently he will do in just a few minutes. I thank the gentleman for yielding to me.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank my friend for yielding to me. He is the most outspoken person on this floor in defense of buy-American policies and the workers of America who lose their jobs to this growing trade deficit.

I want to commend him for constantly being on this floor and constantly reminding us in all of our legislation to focus on those very salient points he made.

I want to also remind the gentleman, we are beginning a debate around America on the whole issue of how we collect Federal taxes in this country. Just to point out to him that this growing trade deficit is not due to one cause, but it is not unaffected by the fact that because we collect income taxes on America, which we cannot exempt from our exports, and we cannot apply to imports, and income taxes themselves add somewhere between 10 and 25 percent to the cost of every American export and every American product we try to consume in this country. Whereas, foreign products come in now more and more tax free, under GATT and NAFTA, they come in from countries that exempt their consumer taxes on them so that they can compete unfairly with good old American workers and American products.

And if there is one thing that is driving me around this country in this national debate over taxes, it is this problem; that our Tax Code punishes an American for buying a product made in America, and rewards us for buying something made overseas. We ought to do something about changing that. I thank my friend for his vigilance on this point.

Mr. TRAFICANT. Mr. Chairman, I would just like to say, I am encouraged by the comments of the chairman from New Jersey and our distinguished chairman, who is leading a tremendous fight with the gentleman from Colorado (Mr. DAN SCHAEFER) on the Tax Code, and I support that. I think we reward dependence, subsidize illegitimacy, kill investments with our Tax Code. We must make a significant change.

Also, as part of that, I must say this: I have come to despair on the Congress' intent to deal with the buy-American aspects of our law. That is why I have submitted 1–800 Buy America. I believe that only the American consumers now can really, through their consciences, be prepared to look at and shop for American-made goods.

Now, I do believe we should not be protectionist in it. We cannot force anybody to buy our products. But I think we should incentivize every opportunity available for the American consumer to make a choice and to let them at least market American-made goods and products.

This is a little bit off base. I thank both the respective leaders of this bill on the floor, and I will offer my amendment, and I hope that it will be approved and will stay in the conference.

Mr. FALEOMAVAEGA. Mr. Chairman, I yield myself such time as I may consume.

I certainly want to commend the gentleman from Ohio for his comments. I, for one, cannot think of a more able and consistent advocate here on the floor of the House than the gentleman from Ohio for supporting and always pressing for the fact that we should buy American, and the fact that American workers and those who are managing corporate communities should be working together so that the Americans should buy American products.

☐ 1100

And I cannot thank the gentleman from Ohio (Mr. TRAFICANT) enough for advocating this issue again. And I do thank the gentleman from Louisiana (Mr. TAUZIN) for complementing the provisions of this bill.

Mr. YOUNG of Alaska. Mr. Chairman, I rise to speak in support of H.R. 3164, the Hydrographic Services Improvement Act of 1998. I am an original cosponsor of this legislation, which was introduced by our colleague, JIM SAXTON, Chairman of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans.

The purpose of the bill is to make much-needed improvements in the U.S. nautical charting program. The United States, and especially the State of Alaska, is dependent on marine transportation. However, every day large ships traverse 40,000 square miles of U.S. waterways that have shallow waters, known obstacles, and obsolete or inadequate charts. The vast majority of these critical areas are in Alaska. At last year's funding level, it will take more than 30 years to update the charts in Alaska alone. In the meantime, we are entrusting a significant portion of the Nation's oil supply, the safety of fishermen and

cruise ship passengers, and the health of the marine environment to inadequate charts. This situation is not acceptable.

H.R. 3164 will help to correct this problem. First, it authorizes increased funding for nautical charting. Second, it will increase the use of private survey contractors to supply data used in producing U.S. charts. This will greatly increase the number of ships and other resources that can be used to reduce the backlog as quickly as possible.

We cannot afford to wait any longer to correct the nautical charting backlog. H.R. 3164 is an important contribution to fixing this problem, and I urge all of you to support it.

Mr. FALEOMAVAEGA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN (Mr. GILLMOR). All time for general debate has expired.

The amendment in the nature of a substitute consisting of the text of Amendment No. 1 printed in the CONGRESSIONAL RECORD shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the order of the House of today, each section is considered read.

During consideration of the bill for amendment, the Chairman may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hydrographic Services Improvement Act of 1998''.

The CHAIRMAN. Are there any amendments to section 1?

Mr. SAXTON. Mr. Chairman, I ask unanimous consent that the remainder of the amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The text of the remainder of the amendment in the nature of a substitute is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) ADMINISTRATION.—The term ''Administration'' means the National Oceanic and Atmospheric Administration.

(3) HYDROGRAPHIC DATA.—The term ''hydrographic data'' means information acquired through hydrographic or bathymetric surveying, photogrammetry, geodetic measurements, tide and current observations, or other methods, that is used in providing hydrographic services.

(4) HYDROGRAPHIC SERVICES.—The term ''hydrographic services'' means—

(A) the management, maintenance, interpretation, certification, and dissemination of bathymetric, hydrographic, geodetic, and tide and current information, including the production of nautical charts, nautical information databases, and other products derived from hydrographic data;

(B) the development of nautical information systems; and

(C) related activities.

(5) ACT OF 1947.—The term ''Act of 1947'' means the Act entitled ''An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes'', approved August 6, 1947 (33 U.S.C. 883a et seq.).

SEC. 3. FUNCTIONS OF THE ADMINISTRATOR.

(a) RESPONSIBILITIES.—To fulfill the data gathering and dissemination duties of the Administration under the Act of 1947, the Administrator shall—

(1) acquire hydrographic data;

(2) promulgate standards for hydrographic data used by the Administration in providing hydrographic services;

(3) promulgate standards for hydrographic services provided by the Administration;

(4) ensure comprehensive geographic coverage of hydrographic services, in cooperation with other appropriate Federal agencies;

(5) maintain a national database of hydrographic data, in cooperation with other appropriate Federal agencies;

(6) provide hydrographic services in uniform, easily accessible formats;

(7) participate in the development of, and implement for the United States in cooperation with other appropriate Federal agencies, international standards for hydrographic data and hydrographic services; and

(8) to the greatest extent practicable and cost-effective, fulfill the requirements of paragraphs (1) and (6) through contracts or other agreements with private sector entities.

(b) AUTHORITIES.—To fulfill the data gathering and dissemination duties of the Administration under the Act of 1947, and subject to the availability of appropriations, the Administrator—

(1) may procure, lease, evaluate, test, develop, and operate vessels, equipment, and technologies necessary to ensure safe navigation and maintain operational expertise in hydrographic data acquisition and hydrographic services;

(2) may enter into contracts and other agreements with qualified entities, consistent with subsection (a)(8), for the acquisition of hydrographic data and the provision of hydrographic services;

(3) shall award contracts for the acquisition of hydrographic data in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.); and

(4) may, subject to section 5, design and install where appropriate Physical Oceanographic Real-Time Systems to enhance navigation safety and efficiency.

SEC. 4. QUALITY ASSURANCE PROGRAM.

(a) DEFINITION.—For purposes of this section, the term ''hydrographic product'' means any publicly or commercially available product produced by a non-Federal entity that includes or displays hydrographic data.

(b) PROGRAM.—

(1) IN GENERAL.—The Administrator may—

(A) develop and implement a quality assurance program, under which the Administrator may certify hydrographic products that satisfy the standards promulgated by the Administrator under section 3(a)(3);

(B) authorize the use of the emblem or any trademark of the Administration on a hydrographic product certified under subparagraph (A); and

(C) charge a fee for such certification and use.

(2) LIMITATION ON FEE AMOUNT.—Any fee under paragraph (1)(C) shall not exceed the costs of conducting the quality assurance testing, evaluation, or studies necessary to determine whether the hydrographic product satisfies the standards adopted under section 3(a)(3), including the cost of administering such a program.

(c) LIMITATION ON LIABILITY.—The Government of the United States shall not be liable for any negligence by a person that produces hydrographic products certified under this section.

(d) HYDROGRAPHIC SERVICES ACCOUNT.—

(1) ESTABLISHMENT.—There is established in the Treasury a separate account, which shall be known as the Hydrographic Services Account.

(2) CONTENT.—The account shall consist of—

(A) amounts received by the United States as fees charged under subsection (b)(1)(C); and

(B) such other amounts as may be provided by law.

(3) Limitation; Deposit. Fees deposited in this account during any fiscal year pursuant to this section shall be deposited and credited as offsetting collections to the National Oceanic and Atmospheric Administration, Operations, Research, and Facilities account. No amounts collected pursuant to this section for any fiscal year may be spent except to the extent provided in advance in appropriations Acts.

(e) LIMITATION ON NEW FEES AND INCREASES IN EXISTING FEES FOR HYDROGRAPHIC SERVICES.—After the date of the enactment of this Act, the Administrator may not—

(1) establish any fee or other charge for the provision of any hydrographic service except as authorized by this section; or

(2) increase the amount of any fee or other charge for the provision of any hydrographic service except as authorized by this section and section 1307 of title 44, United States Code.

SEC. 5. OPERATION AND MAINTENANCE OF PHYSICAL OCEANOGRAPHIC REAL-TIME SYSTEMS.

(a) NEW SYSTEMS.—After the date of enactment of this Act, the Administrator may not design or install any Physical Oceanographic Real-Time System, unless the local sponsor of the system or another Federal agency has agreed to assume the cost of operating and maintaining the system within 90 days after the date the system becomes operational.

(b) EXISTING SYSTEMS.—After October 1, 1999, the Administration shall cease to operate Physical Oceanographic Real-Time Systems, other than any system for which the local sponsor or another Federal agency has agreed to assume the cost of operating and maintaining the system by January 1, 1999.

SEC. 6. REPORTS.

(a) PHOTOGRAMMETRY AND REMOTE SENSING.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall report to the Congress on a plan to increase, consistent with this Act, contracting with the private sector for photogrammetric and remote sensing services related to hydrographic data acquisition or hydrographic services. In preparing the report, the Administrator shall consult with private sector entities knowledgeable in photogrammetry and remote sensing.

(2) CONTENTS.—The report shall include the following:

(A) An assessment of which of the photogrammetric and remote sensing services related to hydrographic data acquisition or hydrographic services performed by the National Ocean Service can be performed adequately by private-sector entities.

(B) An evaluation of the relative cost-effectiveness of the Federal Government and private-sector entities in performing those services.

(C) A plan for increasing the use of contracts with private-sector entities in performing those services, with the goal of obtaining performance of 50 percent of those services through contracts with private-sector entities by fiscal year 2003.

(b) PORTS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall report to the Congress on—

(1) the status of implementation of real-time tide and current data systems in United States ports;

(2) existing safety and efficiency needs in United States ports that could be met by increased use of those systems; and

(3) a plan for expanding those systems to meet those needs, including an estimate of the cost of implementing those systems in priority locations.

(c) MAINTAINING FEDERAL EXPERTISE IN HYDROGRAPHIC SERVICES.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall report to the Congress on a plan to ensure that Federal competence and expertise in hydrographic surveying will be maintained after the decommissioning of the 3 existing National Oceanic and Atmospheric Administration hydrographic survey vessels.

(2) CONTENTS.—The report shall include—

(A) an evaluation of the seagoing capacity, personnel, and equipment necessary to maintain Federal expertise in hydrographic services;

(B) an estimated schedule for decommissioning the 3 existing survey vessels;

(C) a plan to maintain Federal expertise in hydrographic services after the decommissioning of these vessels; and

(D) an estimate of the cost of carrying out this plan.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Administrator the following:

(1) To carry out nautical mapping and charting functions under the Act of 1947 and sections 3 and 4, except for conducting hydrographic surveys, $33,000,000 for fiscal year 1999, $34,000,000 for fiscal year 2000, $35,000,000 for fiscal year 2001, $36,000,000 for fiscal year 2002, and $37,000,000 for fiscal year 2003.

(2) To conduct hydrographic surveys under section 3(a)(1), including leasing of ships, $33,000,000 for fiscal year 1999, $35,000,000 for fiscal year 2000, $37,000,000 for fiscal year 2001, $39,000,000 for fiscal year 2002, and $41,000,000 for fiscal year 2003. Of these amounts, no more than $14,000,000 is authorized for any one fiscal year to operate hydrographic survey vessels owned and operated by the Administration.

(3) To carry out geodetic functions under the Act of 1947, $20,000,000 for fiscal year 1999, and $22,000,000 for each of fiscal years 2000, 2001, 2002, and 2003.

(4) To carry out tide and current measurement functions under the Act of 1947, $22,500,000 for each of fiscal years 1999 through 2003. Of these amounts, $2,500,000 is authorized for each fiscal year to implement and operate a national quality control system for real-time tide and current data, and $7,500,000 is authorized for each fiscal year to design and install real-time tide and current data measurement systems under section 3(b)(4) (subject to section 5).

The CHAIRMAN. Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, add the following new sections:

SEC. ___. COMPLIANCE WITH BUY AMERICAN ACT.

No funds authorized pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. ___. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of Commerce shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. ___. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, the amendment has been discussed in the debate earlier. I offer it here, and I would hope that all of the parts of this respectively would remain in conference, especially those that deal with fraudulent labels.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Pursuant to the order of the House of today, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. GILLMOR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3164) to describe the hydrographic services functions of the Administrator of the National Oceanic and Atmospheric Administration, and for other purposes, pursuant to the order of the House today, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. PEASE). Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 3164, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

1–800 BUY AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, I have before this Congress a bill called ''1–800 Buy America.'' It says that any product that costs more than $250 is eligible to be listed on this national toll line for the purchase of American-made goods.

It is not paid for by the American consumers. It is paid for by the American companies who build a product made in America by American workers who pay American taxes that enure to the benefit of all in this country. $250, where a woman in Ohio could say, ''I am buying a refrigerator. 1–800 Buy America, what refrigerators are made in America?''

Now, that bill passed the House last Congress without a vote, on a voice vote, but it was not enacted into law; and it fell down in the Senate with a bunch of so-called free traders that are so dumb they could throw themselves at the ground and miss.

I am letting the Congress know that this is one of the most important pieces of legislation, where the American consumers can at least know what is made in America. They can price their products and see that, many

times, American-made products made in our country by American workers cost less than some of these now-exotic foreign imports.

Let me remind the Congress that a pair of these Chinese-made tennis shoes that sell for $150 cost 17 cents to make in China, and they are buying missile technology with our dollars.

So, with that, ''1–800 Buy America,'' I would appreciate if the Congress, while we are waiting on people to get here, would enact that legislation.

TAX LIMITATION CONSTITUTIONAL AMENDMENT

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 407, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 407

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 111) proposing an amendment to the Constitution of the United States with respect to tax limitations. The joint resolution shall be considered as read for amendment. The amendment specified in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the joint resolution, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) three hours of debate on the joint resolution, as amended, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) one motion to amend, if offered by the Minority Leader or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished ranking member of the Committee on Rules, the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all the time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 407 is a modified closed rule providing for the consideration of H.J. Res. 111, the tax limitation amendment, which seeks to amend the U.S. Constitution to require a two-thirds vote of Congress to pass legislation which increases taxes.

Mr. Speaker, this is not the first time this Congress has considered such an amendment. In fact, the rule before us is virtually identical to the rule the House adopted last year which provided for consideration of the same issue. As in 1997, the rule provides for a generous 3 hours of general debate time, equally divided between the chairman and ranking minority member of the Committee on the Judiciary.

In addition, the rule provides for the consideration of an amendment offered by the minority leader or his designee which will be debatable for 1 hour; and another opportunity for the minority to change the legislation will be available through the customary motion to recommit, with or without instructions.

My colleagues should understand that when the House votes to adopt this rule, it will automatically adopt an amendment to H.J. Res. 111, which is specified in the Committee on Rules report.

Specifically, the amendment will clarify that any bill, resolution or other legislative measure changing internal revenue laws will be subject to a two-thirds vote in both the House and the Senate and that the vote must be a recorded vote. This is the same language that the Committee on the Judiciary added to last year's bill.

Further, the amendment clarifies that any revenue increase that is a result of a tax cut would not be subject to the two-thirds vote. This is the language which the gentleman from Florida (Mr. MCCOLLUM) was successful in adding to the tax limitation amendment last year. Its purpose is to ensure that the amendment does not inadvertently make it more difficult to reduce taxes in the future.

Again, I would reiterate to my colleagues that both this rule and the underlying bill we will consider are virtually identical to what the House voted on April 15, 1997.

Given the similarities, some of my colleagues may question the purpose of revisiting this issue. Well, what we learned in the Committee on Rules yesterday is that support for this measure is growing and no doubt will continue to grow. Sixty-eight percent of Americans support an amendment to the Constitution requiring a supermajority vote by Congress to raise taxes. Today's vote will provide another opportunity for Members to respond to their constituents and public opinion, which across party lines is clearly supportive of a tax limitation amendment.

I am sure that when Members were home in their districts over the Easter and Passover holidays they had the opportunity to meet with their constituents who were either preparing their taxes or had just paid them. I hope those meetings remind all of us just who is paying the tax bills around here and how high the Government's bills have become in terms of what the average American family can afford. The Federal tax burden alone is now nearing a record one-fifth of family income.

How can this Congress justify a tax rate that represents the largest burden Americans have been asked to bear since World War II? Combined with State and local taxes, Americans are saddled with the highest tax rate ever.

At a time when our economy is booming, unemployment is low, and we are on the verge of realizing a budget surplus, this policy is simply unacceptable. The illogic of this situation cries for reasonable measures to control our government's insatiable appetite for consuming the taxpayers' hard-earned pay. Reasonableness is what the tax limitation amendment demands of this institution.

Mr. Speaker, all the amendment before us would do is make it a little bit harder for Congress to raise taxes during times of peace. At the same time, it encourages Congress to look at other options other than taxes as a means of managing the Federal budget.

I don't think any of my colleagues would claim that there is no fat in the Federal bureaucracy to trim. But, while the special interests that benefit from government spending often have a paid voice looking out for their interests, the average American taxpayer has to rely on his or her Member of Congress as a voice for controlling spending and protecting their paychecks.

Considering that the average Federal tax burden per person has more than doubled from 1980 to 1995, I think Congress needs to do a better job of looking out for our constituents, the taxpayers, interests. Through this amendment, our constituents will have a voice that can compete with that of special interests.

And we know tax limitation amendments can be effective. They have been tried and tested by the States with very good results. In States that require a supermajority vote to raise revenue, taxes have increased more slowly, economies have grown more rapidly, and jobs have been created more quickly.

Mr. Speaker, the need for this constitutional amendment is clear. Congress has demonstrated that even in times of prosperity and peace it cannot curb its penchant to tax.

The discipline and balance imposed by our Founding Fathers was swept away by the 16th amendment which gave Congress the right to directly tax individuals' income. As a result, the power to lay and collect taxes has been so abused that families are no longer saving to buy homes and pay for their children's education. They are saving to pay the government on April 15.

It is time to restore some discipline and fairness to our system if we are to ever to give our citizens the economic freedom to pursue their dreams, whether those dreams are of homeownership, education, self-employment, a secure retirement, or a more prosperous future for their children and grandchildren.

Given what is at stake, a higher standard of consideration and consensus for higher taxes is totally appropriate and should be demanded by the American people.

□ 1115

In closing, Mr. Speaker, I would urge my colleagues to support both the rule and the underlying legislation. This is a balanced rule that will enable the

House to have a full and fair discussion of the merits of this constitutional amendment, and I urge its swift adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague and my dear friend from Ohio, the Honorable Justice PRYCE, for yielding me the customary half hour.

Mr. Speaker, I yield myself such time as I may consume.

Today, Mr. Speaker, my Republican colleagues say they want to amend the Constitution to require a supermajority vote for tax increases. Mr. Speaker, just 2 years ago the Republicans changed the House rules to require a three-fifths vote for tax increases every time the bill came up. But every time that bill came up with that amendment in it, they waived their requirement. That is right, Mr. Speaker, once again my Republican colleagues are proposing amending the Constitution with the requirement that they ignored, not once, not twice, but five times just in the last Congress.

They waived the three-fifths rule on the Contract with America Tax Relief Act. They waived the three-fifths rule on the Medicare Preservation Act of 1994. They waived the three-fifths rule on the Budget Reconciliation Act of 1996. They waived the three-fifths rule on Health Insurance Reform. And they waived the three-fifths rule on the Welfare Reform Conference Report.

In short, Mr. Speaker, they waived the rule every time that it applied. But today they want to attach it to the United States Constitution.

Mr. Speaker, amending the Constitution, as you know it, as I know it, is a very serious business and should never be used as a political tool. Our Constitution has only been amended 27 times in the last 210 years since it was ratified.

Today's proposed amendment will require a supermajority to pass revenue-raising legislation. Mr. Speaker, we should make sure that any law we impose on the American people has as much support as possible. But the problem with a supermajority is it effectively turns control over to a small minority who can stop legislation, even legislation that the majority supports. In other words, Mr. Speaker, one-third plus one of either the House or Senate could effectively hold up the entire country.

This has been a bad idea, not last year, 2 years ago, 10 years ago, it has been a bad idea for a very, very long time. In fact, James Madison in the Federalist Papers said that under a supermajority the fundamental principle of free government would be reversed. It would no longer be the majority party that would rule. The power would be transferred to the minority.

Since this amendment requires 290 votes to pass the House, this bill looks a lot more like showboating than legislating. Mr. Speaker, the American people deserve a lot better than that.

This amendment will cripple our government's ability to act during a national crisis. It will make it impossible to pass the McCain bipartisan tobacco bill. It will lock in every corporate welfare and tax break for the very rich at the expense of the middle and lower class families.

In fact, Mr. Speaker, this amendment has an extreme loophole. My Republican colleagues can still increase taxes on the working families as long as they also decrease the taxes on the very rich.

An editorial in Monday's Washington Post warns that the effects of this amendment would be to add to future deficits while disturbing the balance of powers and undercutting the democratic process by enshrining minority rule.

This amendment is poorly thought out. It will empower the minority, which is not the way our government is supposed to work. And it will probably hurt middle and low income families while helping the rich.

Mr. Speaker, I urge my colleagues to oppose the rule and oppose the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Texas (Mr. BARTON), one of the authors of this legislation.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, as I begin to speak, the Pages are putting an example of the first 1040 form up for those Members in the Chamber to look at.

This was a 1040 form in 1914. It was one page long. It is a little difficult to read, but if we will look here, citizens were taxed 1 percent on net income over $3,000, 1 percent. Less than 1 percent of the American people had to pay any income tax the first time it was collected in 1914.

If we go on down and look at these numbers again, it is very difficult to see from the Chamber, but if we had over $20,000 of net income, we paid an additional 1 percent. If we had over $50,000, we paid 2 percent. And it goes down. Then if we had over $500,000 of net income back in 1914, we paid the horrendous rate of 6 percent. That was the first income tax collected on the American taxpayers by the Federal Government back in 1914.

Since that time, the marginal rate has not stayed at 1 percent. It is now over 40 percent. That is an increase of 4,000 percent. The time has come to do something about that. The time has come to support the rule that the gentlewoman from Ohio is on the floor, representing a majority of the Members of the Committee on Rules, to make in order the rule for the debate of the tax limitation constitutional amendment.

This rule makes in order the bill that we voted on last year, the constitutional amendment that we voted on last year. It also makes in order a Democratic substitute, if they wish to offer a substitute, and a motion to recommit. So it is a very fair rule.

The amendment that was reported out of the Committee on the Judiciary last year, and we did not have a hearing in the Committee on the Judiciary this year but we reported the same bill to the Committee on Rules, would require a two-thirds vote of the House and the Senate to raise taxes.

It explicitly states that if we want to lower the capital gains tax rate, we can do that with the simple majority vote. If we want to change to a national sales tax, if we want to change to a flat tax, as long as the overall revenue effect is de minimis, and that is a very fancy Latin word that means ''very little'', we can do that with a majority vote.

We may be asking, as my good friend from Massachusetts said in his opposition just a second ago or a few minutes ago, is this a gimmick? The answer is no, it is not a gimmick. If we could have, not that chart but the one right underneath here, you see this has been tried in 14 States. It is either in the State constitutions in 14 States or it is in the State law in 14 States, some of them as far back as 1890.

In the year 1890, 100 years ago, the State of Mississippi said, if we are going to have a tax increase, it takes a three-fifths vote. The other 13 States that have it, some of them are as high as three-fourths. Since 1934, the State of Arkansas, where our President was the former governor. Most of them are two-thirds, which is in the amendment.

These 14 States, a number of studies have been done over the years, and there are four things that are true in those 14 States. Their taxes are lower than in States that do not have a supermajority requirement. Their taxes go up slower than in those States that do not have a supermajority tax increase requirement. Therefore, their economy grows faster. Believe it or not, it means that more jobs are created, about 43 percent in States that have the supermajority requirement, more jobs are created than in those States that do not.

When we get to the debate later this afternoon on the amendment, keep a few things in mind. The opponents that are against this are not against it because they do not think it will work. They are against it because they know it will work. They know that it will take a consensus of the country and a consensus of the Congress, not just the Republicans, not just the Democrats, but a bipartisan majority, supermajority to require a tax increase.

If I could see the last chart, there are going to be some other poll numbers reported later in the debate. This is a poll that was taken last year. And the poll that was taken last year, 64 percent of people identified with the Democratic Party said they were for a two-thirds vote to raise taxes. Sixty-eight percent of Federal employees

that were polled said they were for a two-thirds requirement to raise their Federal taxes. Seventy-one percent of union members said that they were for a two-thirds requirement to raise their taxes, and 73 percent overall of all Americans.

So this is not a conservative issue. This is not a Republican issue. This is an American issue. The latest number poll, that is this year, 75 percent of all Americans are for the supermajority requirement. So vote for the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. TRAFICANT).

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, capital gains taxes, withholding taxes, income taxes, sales taxes, excise taxes, highway taxes, aviation taxes, fuel taxes, property taxes, manufacturing taxes, education taxes, cigarette taxes, liquor taxes, ticket taxes, corporation taxes, old taxes, new taxes, flat taxes, fast flat taxes, surtaxes, taxes on taxes, and a retroactive tax to tax us if we miss something the government needed.

I understand all the philosophical debates that are being brought up here today, but I support the rule and support the bill for the following reasons: I think a Nation that overtaxes their people, kills hope and rewards their enemies, and part of the enemy is the Congress who can raise our taxes too easily. Just look at the Constitution, if it makes any difference. We have enacted a macroeconomic trade agreement with great bearings on tax revenue with a one simple majority vote when the Constitution called for a two-thirds requirement. We are out of sync.

In addition, we have a tax code that rewards dependency, penalizes achievement, subsidizes illegitimacy, kills investment, kills jobs. If we work hard, we send a lot of money to government. If we do not work, government sends us a check. Beam me up here. I mean it. Beam me up.

If we go to a tax court, we are guilty in the eyes of the court and we have got to prove ourselves innocent. That is unbelievable to me, and I do not see anybody talking about this.

I wanted to thank the Republicans for including my burden-of-proof provision in the IRS reform bill. Without it, there is nothing of significant protection for our taxpayers.

Look, is it any wonder the American people are taxed off? They are fed up. They are fed up with a system that kills families, destroys families, and treats people like second-class citizens.

This may not be the exact answer. I do not know if this will become law. Probably not. But I want to support it. Any measure that makes it tougher to tax the American people is absolutely 100 percent on target with me.

I would like to just remind everybody that all of these taxes that we do pay, the American people are now beginning to question how we are employing them and using them. I think it is fitting for the Congress of the United States to make it more difficult to raise these taxes.

The American people are taxed off. And I think Congress should recognize it before there are other great changes here.

Ms. PRYCE of Ohio. Mr. Speaker, I appreciate the remarks of my good friend and colleague from the great State of Ohio.

Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. CAMPBELL).

□ 1130

Mr. CAMPBELL. Mr. Speaker, I thank my colleague for yielding this time to me.

I regret I cannot support this amendment to the Constitution, and I would like to take a moment to explain why.

If we make it more difficult to increase taxes but we do not make it any more difficult to spend money, what we will create is a bias in favor of increasing spending and simply borrowing the money. That is even worse than increasing spending and increasing taxes to pay for it, because when we increase spending and increase taxes to pay for it, at least we are being honest and asking the very people who benefit from the spending to ante up and pay the cost and suffer the pain of the tax increase. But when we spend their money and make our children pay for it, which is what we do when we borrow, we get the political gain but we make the next generation—who do not yet have the right to vote—pay for it.

The size of the United States debt is very, very large. It is $5.7 trillion. As a percentage of the GNP it is the highest it has been since the end of World War II, and what we do in this amendment today is make it far more likely that that debt will increase. What we should do and what I would support is a two-thirds requirement to increase borrowing also. Then we would have a two-thirds requirement for either increasing taxes or increasing borrowing; and we would not bias the system in favor of borrowing.

Without that change, I cannot support this amendment.

Mr. MOAKLEY. Mr. Speaker, I have no remaining speakers. I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing let me reiterate that this rule is identical to the rule the House adopted last year by voice vote on the same issue. It gives ample opportunity for all sides to be heard on the tax limitation amendment, and it gives the minority two separate opportunities to change the underlying legislation.

Let me also remind my colleagues that the tax limitation amendment has the support of 68 percent of all Americans, and it is not hard to understand why. Today nearly 40 percent of the average American family's income goes toward taxes. It is reasonable in the minds of those Americans to put a small bump in the road that will slow down the people who want to take even more of their hard-earned money.

Today's vote will not end debate on this matter but instead it will start the debate down across all 50 States, down to the local level where the people will determine whether amending the Constitution is in order.

Mr. Speaker, I urge my colleagues to let reasonableness and the will of the people prevail by voting ''yes'' on the rule and ''yes'' on the tax limitation amendment.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GOODLATTE. Mr. Speaker, pursuant to House Resolution 407, I call up the joint resolution (H.J. Res. 111) proposing an amendment to the Constitution of the United States with respect to tax limitations, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 407, the joint resolution is considered read for amendment.

The text of House Joint Resolution 111 is as follows:

H.J. RES. 111

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE—

''SECTION 1. A bill to increase the internal revenue shall require for final adoption in each House the concurrence of two-thirds of the whole number of that House, unless that bill is determined at the time of adoption, in a reasonable manner prescribed by law, not to increase the internal revenue by more than a de minimis amount.

''SECTION 2. The Congress may waive the requirements of this article when a declaration of war is in effect. The Congress may also waive this article when the United States is engaged in military conflict which causes an imminent and serious threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. Any increase in the internal revenue enacted under such a waiver shall be effective for not longer than two years.

''SECTION 3. Congress shall enforce and implement this article by appropriate legislation.''.

The SPEAKER pro tempore. Pursuant to House Resolution 407 the amendment printed in House Report 105–488 is adopted.

The text of House Joint Resolution 111, as amended by the amendment

printed in House Report 105–488, is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE—

''SECTION 1. Any bill, resolution, or other legislative measure changing the internal revenue laws shall require for final adoption in each House the concurrence of two-thirds of the Members of that House voting and present, unless that bill is determined at the time of adoption, in a reasonable manner prescribed by law, not to increase the internal revenue by more than a de minimis amount. For purposes of determining any increase in the internal revenue under this section, there shall be excluded any increase resulting from the lowering of an effective rate of any tax. On any vote for which the concurrence of two-thirds is required under this article, the yeas and nays of the Members of either House shall be entered on the journal of that House.

''SECTION 2. The Congress may waive the requirements of this article when a declaration of war is in effect. The Congress may also waive this article when the United States is engaged in military conflict which causes an imminent and serious threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. Any increase in the internal revenue enacted under such a waiver shall be effective for not longer than two years.

''SECTION 3. Congress shall enforce and implement this article by appropriate legislation.''.

The SPEAKER pro tempore. Under the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 1½ hours.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 111 requires a two-thirds vote in both the House and Senate for any bill that changes the internal revenue laws by more than a de minimis amount. The resolution allows Congress to waive the supermajority requirement to pass a tax increase during a period of declared war between the United States and another country, or when the Congress and the President enact a resolution stating that the United States is engaged in a military conflict which threatens national security. Tax legislation enacted under this waiver can be enforced for no longer than 2 years after its enactment.

H.J. Res. 111 provides a simple mechanism to curb wasteful and abusive government spending by restraining the government's unquenchable appetite for taking the American people's money. The more the government has, the more it spends. The tax limitation amendment will ensure that when the government needs money it will not simply look to the American people to foot the bill.

A constitutional amendment is the only way we can assure the American people that Congress will only take from their pocketbooks that which is truly needed. This constitutional amendment will force Congress to focus on options other than raising taxes to manage the Federal budget. It will also force Congress to carefully consider how best to use current resources before demanding that taxpayers dig deeper into their hard-earned wages to pay for increased Federal spending.

Furthermore, if Congress has less to spend on programs, it will be forced to act responsibly and choose what is truly important to the American people, and it will be forced to make sure government programs are run as effectively and efficiently as possible. Simply put, the harder it is for Congress to tax the American people, the harder it will be for Congress to spend their hard-earned money. Government will spend less when the American people give it less.

Mr. Speaker, tax limitation requirements have been proven to work. In the 14 States that have adopted supermajority requirements for tax increases, taxes grew at a rate about 10 percent less than States without tax limitation requirements. Between 1980 and 1992, in States with a supermajority requirement economic growth was 43 percent, compared to 35 percent in States without such a requirement. Employment growth was 26 percent, compared to 21 percent in States without such a requirement.

The need for this amendment is clear. The tax burden on our citizenry is out of control. In 1934 Federal taxes were 5 percent of the average family's income. Today that figure is nearly 25 percent. Overall taxes consume nearly 40 percent of an average family's income. That is more than food, housing and clothing combined.

To support this huge level of taxation we have developed a cumbersome Tax Code that causes needless confusion and delay. In 1914 the Internal Revenue Code contained 11,400 words. Our current code contains over 7 million words. American taxpayers spend over $200 billion and 5.4 billion hours a year just to comply with Federal taxes. Sixty percent of taxpayers must hire a professional just to sort through their own return.

Just think how small, simple and fair our Tax Code would be if we would have had a supermajority requirement when the taxes that created this monster were enacted. In fact, four of the last five major tax increases, including the 1993 increase, the largest tax increase in American history, four out of five would not have passed if the tax limitation amendment had been in effect when they were enacted.

□ 1145

This would have saved the American people hundreds of billions of dollars. That is money the American people could have used to invest, pay for retirement, or for their children's education. It is simply too easy for Congress to tax the American people too much and too often by a Tax Code that is too complicated.

Our Constitution contains a Bill of Rights designed to preserve freedom by restricting government intrusion into the lives of the people. But the power to tax is the power to reach the lives of the people in a very direct way, controlling what and how much the people can do with their own resources. Taxes affect how you invest your money, how you spend it, where you live, and many other aspects of everyday life.

The power to tax has been abused by the government, using it as a club to drive the government's will into the lives of the people at the expense of freedom and opportunity.

Mr. Speaker, this amendment simply returns control of the American taxpayer's pocketbook to where it belongs, the American taxpayer. While this Congress has shown discipline and restrained increases in spending leading to the first balanced budget in three decades, it is simply too easy for Congress to spend the people's money.

As long as Congress can continue to raise taxes every time it wants to spend more money, we will never have true tax relief; we will never have true debt reduction.

The Constitution entrusts Congress with the power of the purse. Unfortunately, Congress time and time again, has taken that to mean it can pay for its own bloating simply by pulling the American people's already tight purse strings. This amendment reminds Congress it is not the government's money; it is the people's money.

I believe in good and effective government, but more money does not mean better government. Better government means doing more with less of the American people's money. Requiring a two-thirds vote in both Houses to raise taxes will force Congress to do more with smaller and more efficient government.

I have great confidence in the American people. Americans have shown they are the most ingenuous, creative, and hard-working people in the world. The government should not punish those very traits that have made the United States the most effective and productive Nation in history.

Working hard to make more money for your family is rewarded by tax after tax after tax. There is the income tax, the marriage tax, the death tax, the Social Security tax, the sales tax; you name it, government can find a way to tax it.

Well, Mr. Speaker, this amendment says no more. The American people have had enough. Our tax system is out of control, unfair, and abusive. The least we can do is take action to prevent it from becoming more so. It is time for Washington to stop asking American families to shoulder the financial burden brought by bloated

budgets and wasteful spending. Once and for all, it is time for Washington to get off the American people's backs and out of their pocketbooks.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT), the ranking member of the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. SCOTT. Mr. Speaker, I would like to thank the ranking member from the Committee on the Judiciary for yielding me time.

Before I begin discussing our concerns about the amendment, I would like to say a few words about my concerns about the priorities of the House.

Consideration of this amendment represents an annual tax day press event. Although we fail to do much of substance in the 105th Congress, here we are in front of the cameras debating an impractical tax limitation amendment. I would hope we would begin to debate some of the serious issues before us, like the tobacco settlement, saving Social Security, health care, juvenile justice. But those issues are nowhere to be seen because we have taken polls, and on an annual April 15th situation, we are debating the same constitutional amendment that was defeated last year around April 15th. So let us put it in perspective: We are not legislating; we are just posturing for political advantage.

But I would have serious concerns about the constitutional amendment, H.J. Res. 111, the proposed constitutional amendment, with respect to tax limitation. The terms of the amendment are unbelievably vague. The only thing clear about the amendment is the fact that the amendment will cause great confusion.

When we had a hearing on the resolution before it was defeated last year, both Democratic and Republican witnesses expressed very serious concerns about H.J. Res. 111. Former Office of Management and Budget Director Jim Miller, tax limitation amendment supporter, went so far as to call some of the language silly and unworkable.

The language considered by experts at the hearing requiring a two-thirds majority vote to increase the Internal Revenue was the language we heard last time. We marked up a different bill in the committee than that which was reviewed by the experts, and the language that is now before us on the floor requires a two-thirds majority to change the Internal Revenue laws, resulting in an increase in the Internal Revenue by more than a de minimis amount.

Of course, no one seems to have the slightest idea what a change in the Internal Revenue laws to increase the general revenue by more than a de minimis amount, nobody knows exactly what that means, and it is our intention, therefore, apparently to leave this very significant interpretive question to the whims and wishes of the courts, or to some bureaucratic person.

The confusion created by the constitutional amendment will create powers in a new bureaucracy. For example, who are we going to anoint with the power to decide the golden question? Will a particular bill constitute an increase in revenue, or will it increase revenue by more than a de minimis amount?

We heard testimony that this power would be investigated in a bureaucrat with unprecedented powers to control the legislative power, because once that decision is made, that could require a two-thirds, rather than a simple majority vote.

Who becomes the golden decider of that particular question? The American public deserves answers to these questions before, not after, we have made a mess that cannot be cleaned up. What happens if we pass, for example, a controversial corporate tax loophole that we estimated would cost $500 million, but later discover it is costing $500 billion? Although it took only a simple majority to pass the corporate tax loophole, it will take two-thirds in both the House and the Senate to correct it.

For this reason, we ought to be calling the resolution the Corporate Loophole Protection Act.

Furthermore, there are those who support the legislation saying it will control spending. There is nothing in the legislation to control spending. Spending will continue with a simple majority vote. Unfortunately, paying for the spending will require a two-thirds vote. That is obviously a prescription for disaster.

In addition to being vague and biased in its protection of corporate loopholes, this amendment would be unworkable. There are very good reasons why supermajorities are rare in our Constitution, and that is because they have learned from experiences of the failed Continental Congress that excessive supermajority requirements are not practical for an efficient government.

We only require supermajorities for things like overriding a Presidential veto, impeachment or proposing constitutional amendments. These are well-defined circumstances, not open to interpretation.

But, unfortunately, there will always be numerous views on whether or not a bill increases the revenue by more than a de minimis amount. Incredibly, the supermajority prescribed in this resolution would be a much stronger requirement than the supermajorities required for impeachment, treaty ratification or veto overrides, because it requires a two-thirds vote of the Membership of the House; not just those present and voting.

In fact, we have not been able to adhere to our own tax limitation rules. That would give us a fairly good idea of what would happen under this constitutional amendment. In the 104th Congress we had a rule that required a three-fifths vote on bills requiring Federal income tax increases.

The story of the tax limitations rules provides us with what would happen, because there was waiver after waiver after waiver, because many major bills included changes in the tax system that increased taxes.

The rule was waived for the 1996 budget reconciliation conference report; it was waived for the Medicare preservation bill; it was waived for the Health Coverage and Availability Act. In recent history, no major tax changes, whether signed into law by a Democrat or Republican President, have passed both Houses by two-thirds majority.

If we could not function with a three-fifths majority, how could we possibly function with a two-thirds requirement, that can only be waived in cases of war or amending the Constitution?

Amending the Constitution is very serious business, and should not be conducted haphazardly. Some very tough questions are not even close to being answered. Therefore, I urge my colleagues to act responsibly and reject this tax day publicity stunt, and vote no on H.J. Res. 111.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 111.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in response to my good friend, the gentleman from Virginia (Mr. SCOTT), I would like to include for the record a letter from the gentleman from Texas (Mr. ARCHER), the chairman of the House Committee on Ways and Means, to the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary.

The letter referred to follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, April 7, 1997.

HON. HENRY J. HYDE,
Chairman, Committee on Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN HYDE: I understand that the Judiciary Committee is scheduled to consider H.J. Res. 62. Section 1 of the resolution would generally require a supermajority vote for any bill that amends the internal revenue laws unless that bill is determined at the time of adoption, in a reasonable manner prescribed by law, not to increase the internal revenue by more than a de minimis amount. In relevant respects, this language in H.J. Res. 62 is substantially identical to the language of H.J. Res. 169, as considered by the full House last year. That language was carefully crafted by myself and Mr. Barton and the other sponsors of the legislation. Moreover, Mr. Barton and I entered into a colloquy on the House floor, describing how we interpreted the language of the resolution.

First of all, the Constitutional amendment would not apply to tax legislation that is a

net tax cut or that is revenue neutral overall. Thus, the supermajority requirement would not have applied to the ''Balanced Budget Act of 1995'' or the ''Contract with America Tax Relief Act'' since those bills provided a net tax cut. Similarly, it would also not apply to legislation that replaces one tax system with another as long as that replacement is revenue neutral. For example, if we were successful in replacing the current income tax with a broad-based consumption tax, that legislation would be subject only to a simple majority vote provided that the replacement tax raised the same amount or less revenue than the current tax.

Second, the Constitutional amendment excepts from the ⅔ requirement tax legislation that raises no more than a ''de minimis'' amount of revenue. The amendment states that Congress may ''reasonably provide'' how this exception is applied. Details may be very important, but they do not belong in the Constitution. Instead, Congress would adopt legislation that implements the Constitutional amendment by defining terms and fleshing out procedures.

It is up to this or a future Congress to design this ''implementing legislation.'' However, it is my understanding and intent that such legislation will have the following characteristics:

Revenue would be measured over a period consistent with current budget windows. For example, measuring the net change in revenue over a 5 year period would be appropriate.

Estimation would be made employing the usual revenue estimating rules. As under the Budget Act, a committee of jurisdiction or conference committee would, in consultation with the Congressional Budget Office or the Joint Committee on Taxation, determine the revenue effect of a bill.

A bill would be considered to raise a ''de minimis'' amount of revenue if it increased Federal tax revenues by no more than 0.1 percent over 5 years.

For purposes of determining whether a bill raises more than a ''de minimis'' amount of revenue, only tax provisions (i.e., provisions modifying the internal revenue laws) in the bill would be considered. Other provisions that increase Federal revenues or receipts (such as asset sales, tariffs, user fees, etc.) would not be taken into account in determining the revenue raised by the bill.

''Internal revenue laws'' means the current Internal Revenue Code (i.e., the Federal individual and corporate income tax, estate and gift taxes, employment taxes, and excise taxes). It would also include any new tax that may be added to the current Internal Revenue Code or that is analogous to any tax in the Internal Revenue Code. It does not, however, include tariffs.

Accordingly, a supermajority vote would not have been required for H.R. 831, which increased and extended the health insurance deduction for the self-employed; H.R. 2778, which provided tax relief to our troops in Bosnia; H.R. 3103, the Health Coverage Availability and Affordability Act of 1996;'' and H.R. 3448, the ''Small Business Job Protection Act of 1996.'' Each of the bills was designed to be revenue neutral but, due to the strictures of the Budget Act, was slightly revenue positive and raised a ''de minimis'' amount of revenue.

I hope that this information is helpful in the deliberations of the Committee on Judiciary.

With best personal regards,

BILL ARCHER,

Chairman.

Mr. Speaker, I would note that as a part of this letter, the gentleman from Texas (Mr. ARCHER) says, ''Second, the Constitutional amendment excepts from the two-thirds tax requirement legislation that raises no more than a de minimis amount of revenue.''

The gentleman from Virginia asks what that might be. The gentleman from Texas (Mr. ARCHER) continues, ''The amendment states that Congress might reasonably provide how this exception is applied. Details may be very important,'' and they are, ''but they do not belong in the Constitution. Instead, Congress would adopt legislation that implements the constitutional amendment by defining terms and fleshing out procedures.

''It is up to this or a future Congress to design this implementing legislation. However, it is my understanding and intent that such legislation will have the following characteristics:

''Revenue would be measured over a period consistent with current budget windows. For example, measuring the net change in revenue over a 5-year period would be appropriate.

''Estimation would be made employing the usual revenue estimating rules. As under the Budget Act, a committee of jurisdiction or conference committee would, in consultation with the Congressional Budget Office or the Joint Committee on Taxation, determine the revenue effect of a bill.

''A bill would be considered to raise a de minimis amount of revenue if it increased Federal tax revenues by no more than 0.1 percent over 5 years.

''For purposes of determining whether a bill raises more than a de minimis amount of revenue, only tax provisions in the bill would be considered. Other provisions that increase Federal revenues or receipts, such as asset sales, tariffs, user fees, et cetera, would not be taken into account in determining the revenue raised by the bill.

''Internal Revenue laws means the current Internal Revenue Code.

''Accordingly, a supermajority would not have been required for House Resolution 831, which increased and extended the health insurance deduction for the self-employed; House Resolution 2778, which provided for tax relief to our troops in Bosnia; H.R. 3103, the Health Coverage Availability and Affordability Act of 1996; and H.R. 3448, the Small Business Job Protection Act of 1996. Each of the bills was designed to be revenue neutral, but due to the strictures of the Budget Act, was slightly budget positive and raised a de minimis amount of revenue.

''I hope that this information is helpful to the deliberation of the Committee on the Judiciary.''

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. BARTON) and I ask unanimous consent that he be permitted to control that time and yield to other Members.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I would announce that when the gentleman from Texas (Mr. HALL) comes to the floor, I will ask unanimous consent to yield some of my time to him as the chief Democrat sponsor.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MILLER.)

☐ 1200

Mr. MILLER of Florida. Mr. Speaker, today I rise in strong support of a tax limitation amendment. I would like to take a minute to share what I have been hearing from my constituents in southwest Florida.

In March, the Citizens for a Sound Economy's Scrap the Code Tour made a stop in Sarasota. Six hundred and fifty residents attended to hear the gentleman from Texas (Mr. ARMEY) and the gentleman from Louisiana (Mr. TAUZIN) talk about the flat tax and the national sales tax. There was real excitement about the possibility of real tax reform. But I am also hearing at home that the tax limitation amendment is the first and perhaps the most critical step towards fundamental reform.

At a recent town hall meeting, I asked my constituents to tell me whether they prefer a flat tax or a national sales tax. They told me that either approach was a vast improvement over the current system, but they do not believe that politicians can restrain themselves from tampering with the system once they fix it.

Sarasota residents told me that tax rules must be consistent if taxpayers are to be a player in the game. But the truth is, and taxpayers know this better than anyone, that Congress changes tax laws every year. If we are to move to a simpler, fairer tax system, then we must assure the American people that Congress will not repeatedly change the rules.

The sad truth is that Americans will no longer take our word for it. They want a legal restraint on Washington's tax and spend nature, and who can blame them? American taxpayers need to have confidence that if Congress reduces the tax burden this year, that they will not turn around and hike taxes next year. How can an American family decide how much to save or whether to buy a house if Congress continues to change the rules of the game?

By requiring a two-fifths vote of Congress to any tax increase, taxpayers could finally have the confidence in the system. Americans need that peace of mind. They deserve that peace of mind. I advise my colleagues on both sides of the aisle to listen to the American people. They are urging us to pass the tax limitation amendment.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 5 minutes to the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for yielding time to me.

To the ranking member of the Subcommittee on the Constitution of the Committee on the Judiciary, and to my colleagues, I think the real issue here on this day, April 22, which is Earth Day, which hopefully has us embracing the richness of our earth and the value of the assets that this earth bestows upon all of us, I think we should actually come to the floor of the House and tell the simple truth.

This legislation, which unfortunately our Republican friends did not have the opportunity to put before the House on April 15, for all of the political shenanigans that that would have generated across the country, is truly a case of the rule and the tyranny of the minority.

This constitutional amendment is bogus and does not represent truth in lending or truth in telling the story about taxes in America. What actually tells the story of taxes in America is real reform: simplification of the Tax Code; making sure that the IRS lends itself to mediation and dispute resolution; ensuring that there is no marriage penalty, language that is in my Taxpayers Justice Act that was filed in 1997, that has yet to see its time on the floor of the House for debate.

But this bill simply is tyranny. For when I am home with my constituents and I hear from the veterans of the Vietnam War, people needing Social Security and Medicare, health benefits and education, they talk about fiscal responsibility. They talk about balancing the budget, but they realize that as we appropriate monies for these great needs, veterans' hospitals that are seeing closings and diminishing of service, and having to put veterans out after a 24-hour stay, they realize we must balance the budget with the responsibility of appropriating monies for these great needs in this country, at the same time as increasing or promoting or having the ability to raise revenue.

What does this constitutional amendment do; a constitutional amendment, by the way, that never went to the Committee on the Judiciary, never followed the lines of processes? Yes, it went in 1997, but if my calendar tells me right, it is 1998, so it had no judicial process whatsoever. Mr. Speaker, the key is that it did not go through the judicial process, the committee that had the right of jurisdiction.

In so doing, what we have in this process, we have two-thirds of this body that are required to raise the revenue to protect the veterans' benefits, health benefits, education benefits, and at the same time only 51 percent that can appropriate. So therefore, we appropriate, but do not have the money to either help balance or help pay for these needs.

Mr. BARTON of Texas. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, this is the second session of the 105th Congress. In the first session of the 105th Congress, the Subcommittee on the Constitution of the Committee on the Judiciary held a hearing on March 18, 1997, where the resolution was ordered reported to the full House on April 8, 1997, by the subcommittee. It is the exact language that was voted on last year, so the gentleman from Illinois (Mr. HYDE) did not feel they needed to hold another hearing on the exact language, since this is in the same Congress.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I appreciate the clarification of my colleague, the gentleman from Texas.

Let me clarify and say that as I understand it, the bill did not succeed in 1997, and therefore, I would argue very vigorously because of the real concerns with this legislation that it needed additional hearings and an additional opportunity to go through the process through the Committee on the Judiciary.

Let me also respond to my colleague, the gentleman from Texas, to say that this is a dangerous piece of legislation, because as we look to balance and secure Social Security and Medicare, this bill smacks in the face of being able to ensure that Medicare and Social Security are safe.

A 1996 report for the Social Security trustees projects the Social Security trust fund to start running in deficits in 2012. Medicare actuaries project the Medicare Hospital Insurance Trust Fund will become insolvent in 2010. It is, therefore, a requirement that not only do we see a decrease in benefits, but we also see an increase in revenue to provide for the solvency of Social Security and Medicare. This bill will kill that.

Mr. Speaker, I rise today in opposition to House Joint Resolution 111, the Tax Limitation amendment. As you all know, this amendment seeks to require a two-thirds majority vote in each House to increase tax revenues by more than a ''de minimis'' amount, except in times of war or military conflict which posed a threat to national security. First of all, this measure is completely ambiguous. If we are proposing to amend the longest standing document of civil liberty and freedom in the Western world, surely, we should be absolutely clear about what our intentions are.

Leaving the determination to Congress as to what a ''de minimis'' increase is, is ultimately as arbitrary and meaningless as not having a standard at all. The fact of the matter is that this language will inevitably encourage years of exhaustive litigation about what a ''de minimis'' increase truly is. Do the authors of this bill intend that potential tax increases be evaluated by changes in percentages or by numerical amount? When do changes begin to exceed the ''de minimis'' standard included in this bill, is it over an annual period, a two-year period or a five-year period? The plain answer is that nobody knows. Furthermore, the one exception in the bill in regards to the special circumstances that may arise during an armed military conflict are written too narrowly to be effective. Even in this drastic case, the tax limitation is only waived for a maximum of two years.

But more importantly, this constitutional amendment is contrary to the very spirit and purpose of the Constitution. This nation was founded upon principles of majority rule, so why should we now sacrifice these sacred principles to encapsulated the level of the federal government's tax revenues? The whole purpose of the Connecticut and New Jersey Compromises that helped to form this great Congress over two centuries ago, was to allow the American people the opportunity to express their will through both locally and broadly elected representation that had their particular interests at hand.

But how can this process continue to take place when 146 members of this body could vote to defeat any new tax measure that is not a so-called ''de minimis'' change in current tax policy? Clearly, any initiative that would seek to give such an enormous amount of power to such a small minority is both imprudent and inappropriate. I believe that this bill is a poorly written expression of a poorly conceived legislative initiative, and I urge all of my colleagues to vote it down, just like we have done over the last two years.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to my good friend, the gentlewoman from Houston, Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me the time.

What we have as we look to this bill, which requires a two-thirds majority for increasing the revenue, we have a rule by tyranny, a rule by the minority. We have a tyrannical ruling of those who would have us not provide for Social Security and Medicare, veterans' benefits, health benefits, educational benefits.

Do Members know what else we have? We give to all of our large corporate multinationals, those individuals who see tax loopholes as a way to survive, we give them another hammer to beat down tax loopholes. Because what it would require of us, if we found a tax loophole that might just by coincidence raise a slight bit of revenue, two-thirds of this body would have to vote for it. That means that tax loopholes would proliferate across this Nation.

I simply say that I realize my colleagues have good intentions, but this is not the way to run a government. This is a way to shut down a government. This is what the Founding Fathers did not want to have happen, the tyranny of the minority, telling us that we could not vote for or provide for the people of this Nation.

Mr. Speaker, I ask that my colleagues vote this down and rule on behalf of the people of America.

Mr. BARTON of Texas. Mr. Speaker, we are going to put the gentlewoman from Texas (Ms. JACKSON-LEE) down as undecided on this amendment.

Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from my California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, it has been long observed that a frog thrown into a pot of

boiling water will jump right out, but throw a frog into a pot of tepid water and then slowly turn up the heat under the pot, and the frog will stay there until he is cooked.

That boiled frog strategy is how Congress imposed a monstrous tax burden on the American people. Congress did not wake up one day and then pass a law that confiscates more than 20 percent of an American family's income, which is exactly how much in Federal taxes the American people are paying. Many people are paying more than 20 percent. But the heat was turned up on the American taxpayer over the last six decades. That is how we got to this position.

In 1934 the Federal Government took just 5 percent of an American family's income. Because of the increase in Federal taxes that we have seen, because that increase has been gradual, the American people have gone along just treading water while the heat was turned up. It made it even easier for Congress to increase taxes on the people, turning up the heat on the people all the time.

This has come to a point today where our freedom is threatened by the level of taxation that our people have to bear. We are now at a level of taxation that is totally inconsistent with what our Founding Fathers had in mind and what our Founding Fathers believed was consistent with a free society. We are just servants, unable to choose our servitude, and having the fruits of our labor stolen by the government.

We are here today to pass a tax limitation constitutional amendment which would make it harder to turn up the heat on the taxpayers. This resolution would amend the U.S. Constitution to require a two-thirds majority vote of the House of Representatives and the Senate to pass any legislation resulting in a tax increase.

Mr. Speaker, one of the arguments we are hearing against this amendment is that it requires more than just a simple majority, which is 50 percent plus one, and that that subverts majority rule. But a supermajority is a majority. It is just a stronger majority, because it is reserved for situations that are important.

In fact, there are two dozen instances in which the House of Representatives, or at least, excuse me, one House of Congress, is required to vote by more than a simple majority to get its work done. That is more. What is more, eight of these supermajorities are specifically written into the U.S. Constitution.

What we are saying today is let us just add another, a ninth constitutional requirement, that would make it more difficult for Congress to raise the taxes of the American people. Because what we are recognizing today is that by raising taxes, we are diminishing the freedom of the individual American citizen to make decisions with his or her life about the product of their labor. Today we have a chance to vote clearly on the side of the people's freedom against increasing taxes and boiling their freedom down.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), the ranking member.

Mr. SCOTT. Mr. Speaker, I wanted to correct the statement made in the earlier comments. It was indicated it required a two-thirds vote of the membership of the House. That was the bill as it had been introduced. The rule that we passed changed the bill, so it is only two-thirds of those present and voting. So if we want to cut Social Security, it would require a simple majority; if we want to cut education, a simple majority; cut Medicare, a simple majority. But to close the corporate loophole, it would require two-thirds of those present and voting.

Mr. CONYERS. Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS).

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, Daniel Webster, a great Member of this body, said, ''The power to tax is the power to destroy.''

Now, there are lots of folks that are saying we are taxed too much. They say, well, this is just the Federal level we are talking about. It is not a lot of taxes. But there are taxes on the local level, there are taxes on the State level, there are taxes on our gasoline, there are taxes on our bread. It goes on and on. So this simple amendment is needed if we are going to stem the tide here.

This is not a new idea. Fourteen States currently require supermajorities in their legislative bodies to increase taxes or revenue. Let me repeat that, fourteen States already do this. This is not something new. From 1980 to 1987 taxpayers in those States enjoyed a 2 percent decrease in personal income taxes paid.

More States are looking to protect their citizens from overtaxation. Since 1995, Mr. Speaker, legislators in 21 States introduced similar legislation. So what we have is the start of a rebellion across this country of ours of people saying, hold it, no more taxes; no more increasing taxes on the State, Federal, and local level until we pass it by a two-thirds majority.

A lot of folks will say this is a draconian step, but it was pointed out by another colleague here, the gentleman from California (Mr. DANA ROHRABACHER) that there are already on the books ten instances in which the Constitution already requires a supermajority vote. I will not go through and list all ten, I will make them part of the record.

Let me mention one: conviction and impeachment trials. On that we would all agree. What about consent to a treaty? We cannot pass it by just a simple majority vote, we have to have two-thirds.

☐ 1215

So surely if we consent to a treaty, we should have consent to taxes on the American people. State ratification of the original Constitution. And if the Electoral College is going to meet, if the Electoral College sits down and they want to vote, they have got to have a two-thirds presence and two-thirds vote to even start the procedures.

If the President has a disability, it requires two-thirds of this body to vote. To remove one of the Members from holding office who is engaged in insurrection requires a two-thirds vote. There is a long history of using two-thirds majority or supermajority requirement to take action.

So, Mr. Speaker, this is not undemocratic. It is not unusual. This is something that the States are now doing. The Federal Government is stepping up to the plate and many of us support this strongly. I urge my colleagues to align themselves with the States, align themselves with the people and move forward and pass this amendment today.

Mr. Speaker, I am providing for the RECORD a list of the instances where our Constitution already requires a supermajority vote, as mentioned in testimony on this legislation before the Committee on the Judiciary by Daniel Mitchell, McKenna Senior Fellow at the Heritage Foundation:

SUPERMAJORITY REQUIREMENTS AND TAXATION

There is nothing undemocratic or unusual about supermajority requirements in our system of representative democracy. Supermajority voting requirements are routinely used for legislative business in both the House and the Senate. Since 1828, the House has allowed a two-thirds vote to suspend rules and pass legislation. Senate rules require a two-thirds vote for suspension of the rules and for the fixing of time for considering a subject. The Senate requires a three-fifths vote of all Senators to end debate or to increase the time available under cloture. Senate Budget procedures require that three-fifths of the full Senate must agree to waive balanced budget provisions or points of order to consider amendments that would violate the budget approved by Congress.

There are ten instances in which the Constitution already requires a supermajority vote. Seven of these were part of the original Constitution and three were added through the amendment process:

Art. I, 3, cl. 6: Conviction in impeachment trials.

Art. I, 5, cl. 2: Expulsion of a Member of Congress.

Art. I, 7, cl. 2: Override a Presidential Veto.

Art. II, 1, cl. 3: Quorum of two-thirds of the states to elect the President.

Art II, 2, cl. 2: Consent to a treaty.

Art V: Proposing Constitutional Amendments.

Art. VII: State ratification of the original Constitution.

Amendment XII: Quorum of two-thirds of the states to elect the President and the Vice President.

Amendment XIV: 3: To remove disability for holding office where one has engaged in ''insurrection or rebellion.''

Amendment XXV, 4: Presidential disability.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would ask the gentleman from Florida (Mr. STEARNS), my good friend, about the revolution he described. Last April 15th it failed in the House. Does the gentleman have some additional information that will lead us to believe we are going to be overwhelmed today with the passage of this amendment?

Mr. STEARNS. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, the gentleman from Michigan (Mr. CONYERS) has always been very kind to question me after my speech, and I appreciate that because it gives me an opportunity——

Mr. CONYERS. That is why I do it.

Mr. STEARNS. To bring back some salient points that I may have forgotten.

Mr. CONYERS. Just answer the question. I have yielded only a minute.

Mr. STEARNS. Mr. Speaker, I would say to my colleague that frankly, from the time it was voted on the House floor until today, we have been enlightened. And since April 15th it has been very close to our minds and I think it will pass.

Mr. CONYERS. Mr. Speaker, reclaiming my time, I would ask if the gentleman remembers the $50 billion secret cigarette tax cut that has come into the legislation by Speaker Gingrich since April 15th? That is a question.

Mr. STEARNS. Mr. Speaker, if the gentleman would continue to yield, I do not know about a secret——

Mr. CONYERS. Oh, the gentleman does not know about it?

Mr. STEARNS. My colleague would realize that everything is passed on the House floor. There is nothing secret about it.

Mr. CONYERS. The $50 billion tobacco tax cut was public? The gentleman knew about it before it was revealed, after it had been found in the budget bill? Just answer the question.

Mr. STEARNS. Mr. Speaker, the gentleman is asking me a question that does have not an answer.

Mr. CONYERS. Did the gentleman know about it before all of us knew it? The gentleman knew about the $50 billion tobacco tax cut? Did he?

Mr. STEARNS. I knew what I voted on on the House floor and the gentleman from Michigan did too.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG) to respond. I do not mind doing it.

Mr. SHADEGG. Mr. Speaker, I simply want to make the point, the question was asked as to what has changed since the last time this was voted upon in this body that would cause a different result. I think it is worth noting that two States have enacted tax limitation amendments since the last vote in this House on this issue. Those two States did so by a margin of over 70 percent.

I think it is also very important to note that it is now broadly being publicized in this country that we are taxing the American people today at the highest rate we ever have in American history. Federal taxes are higher than at any point in time since the end of World War II, since 1945.

In 1945, by the way, a war year in which we were funding a war economy and a war, in 1945 Federal taxes were one-tenth of 1 percentage point higher than they are now as a proportion of our Gross Domestic Product. If we add the obviously higher State and local taxes, dramatically higher than 1945, to those almost all-time high Federal taxes, it is clear we are taxing the American people at the highest level in our history.

I think that is a change. It has been broadly publicized. It is part of the change which led two new States by a broad majority, 70 percent plus of the voters in those States, to enact their own tax limitation amendments.

I think those are changes that have occurred since the last vote and hopefully will encourage Members of this body to embrace this today. Clear changes that have occurred since the last vote.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

Mr. Speaker, in response to the previous speaker, yes, taxes are high today on the American people. But they are highest because of the high FICA taxes on Social Security. More than half of American workers pay more in FICA taxes than they do in income taxes to the Federal Government.

The wealthy are paying a rate of taxes less than 50 percent of what the gentleman talked about in those years. Less than 50 percent. That is what this bill is all about today: the wealthy and the powerful. Not about middle income people, not about working people who are paying more in FICA taxes than they are income taxes.

We should be considering real reform today here on the floor of the House. The Tax Code could be reformed. It could be a lot simpler so people do not have to hire accountants. And if we make it simpler, we are going to cut out a lot of those loopholes and special interest tax breaks. That would be real reform.

We could have the IRS reform, the Taxpayer Bill of Rights that passed the House of Representatives last year which is held up by a Republican majority in the Senate for some strange reason. That would be real reform.

We could middle income tax relief. That would be real reform. Expand the Earned Income Tax Credit to get people working and not confiscate taxes from people who earn below the poverty level. That would be real reform.

But, no, what that is about today is quite simple. The Republicans are trotting out their same old tired, bait-and-switch constitutional amendment. It should be called ''The Special Interest Loophole and Deficit Promotion Act.'' It is not targeted toward average Americans.

What are the Republican majority afraid of? Are they afraid that they are going to raise taxes on average Americans, so that they want to require a two-thirds vote in the House of Representatives? I do not think so.

What they are afraid of is that the outrage, and there is real outrage that the previous gentleman spoke about, among the American people that they are being screwed because the wealthy, the large corporations and the foreign corporations are not paying their fair share, that that might sink in with the American people and they might demand real reform. They are afraid that they will not be able to protect their corporate and special interest sponsors here on the floor of the House from a real grass roots movement to reform the Tax Code.

Foreign corporations in this country, 73 percent of the foreign corporations operating in America pay no Federal income taxes because of a very generous loophole provided in our Federal Tax Code not provided by any of our competitor Nations. Won here, a gift to foreign corporations. It is beyond me why we cannot close that loophole and raise $15 billion a year from foreign corporations that make money in this country by just asking that they pay at the same pathetic rate that American corporations pay.

But, no. We allow them to pay zero. Nothing. And under this bill that will never change, because it requires two-thirds vote here on the floor of the House to require foreign corporations to begin to pay income taxes, maybe so we could provide income tax relief to middle income Americans.

U.S. multinationals use the same loophole to get around taxes. We have the pharmaceutical industry, a real darling. We have noticed the reasonable price of pharmaceuticals in this country. $3 billion tax loophole because they say all of our profits are made in Puerto Rico where we do not have to pay taxes, and all of our losses and development costs are here in the United States of America where we sell the drugs at inflated prices to the same people who are paying high taxes.

Now, that would be real reform but, no, we are going to protect against reforming and closing that loophole by this amendment.

Accelerated depreciation, the biggest loophole in the Tax Code. It would be nice if average Americans could get that. Eastman Kodak paid an average of 17.3 percent on their products last year. American Home Products, 15.6 percent on $4.2 billion of earnings. And Allied Signal, 10.7 percent on $3.4 billion of earnings.

It would be nice if a teacher working full-time could pay taxes to the Federal Government at the rate of 10.7 percent like Allied Signal did with their tax loophole. But that will never happen in the Republicans' world if this amendment passes. We will never close those loopholes. We will never provide that tax relief to average Americans.

This is not about wage earners. It is not about the middle-class. It is about the wealthy. It is about the people who have written the special interest loophole-ridden Tax Code that we have today, and it is about desperate attempts to protect those special interest loopholes against a real revolt by the American taxpayers.

Mr. Speaker, it is time to send this phony amendment packing as we have three or four times previously, and to take up real reform on the floor of the House with a simple majority. Close the tax loopholes; make the special interests, make the foreign corporations, make others pay their fair share, and give the American workers the tax relief they deserve.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 1 minute to respond to the gentleman from Oregon (Mr. DEFAZIO).

Mr. Speaker, the gentleman is absolutely right. FICA taxes are a tax. Under this amendment it would take a two-thirds vote to raise FICA taxes, which would make it unlikely.

The gentleman may be right about some of the tax loopholes. I would point out that under this amendment we could close every loophole in the Tax Code if we wanted to, as long as we used that revenue that was generated to then lower the overall tax rate or tax burden, and the overall net effect was a de minimis increase in taxes. We could do that until the cows come home.

We could go to a flat tax, a sales tax. What we cannot do is raise the overall tax burden unless two-thirds of the Members of this House and the other body vote to do that.

Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, Tip O'Neill once made the statement, Tip O'Neill, the longtime Speaker of the House here in this Chamber made the statement, and I quote directly, ''God, I love big government.'' If my colleagues adhere to that philosophy, then they do not want this amendment.

But if my colleagues want a smaller government, a less intrusive government, a less expensive government, this amendment needs to be passed. It should not be easy to raise taxes and it is far too easy to do that now.

Mr. Speaker, I have listened to some of the comments coming from the other side on this issue and they keep telling us that we should not make it harder for Congress to raise taxes for the sake of the people. Do not do it because it would hurt seniors and Social Security. Do not do it because too many children are smoking. Do not do it because there are too many people out there that need our help. Always reasons to take more of the people's hard-earned money because we seem to know a better way to spend it than they do.

A great deal of my colleagues seem to think that if the Nation has a problem, we should simply raise taxes to solve it. They still do not understand that in so many cases higher taxes is the problem.

If we allow every American to keep more of their own money, lower taxes could make seniors and future retirees less reliant on the Federal Government and Social Security. It could mean that families might be able to spend a little more time together instead of one parent working to pay the taxes and the other parent working to pay the bills, as in so many families. The extra family time would do more to ensure our children are raised right than all the Federal programs that we can drag out.

Mr. Speaker, those on the other side of this issue still do not get it. And unfortunately if we do not get it, the American people will pay the price. '

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume just to engage in a colloquy with the gentleman from Colorado (Mr. HEFLEY), who made a very impassioned statement that I agree with in principle.

Mr. Speaker, the problem is, though, that if we do this, it may be virtually impossible to raise the excise tax on cigarettes pursuant to the pending tobacco settlement legislation. Had the gentleman considered that?

Mr. HEFLEY. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Speaker, there is no tobacco settlement at this point.

Mr. CONYERS. I said pending tobacco settlement legislation.

Mr. HEFLEY. Mr. Speaker, there is all kinds of pending out there that by the time we get through, it will change form many times. But by the time this amendment is ratified, we will have far more than enough time to do whatever the gentleman wants to do with the tobacco settlement.

Mr. CONYERS. Okay. I get it. Then the gentleman from Colorado, too, was one of the ones that presumably knew about the $50 billion tax cut for the tobacco people that was put into the budget amendment?

Mr. HEFLEY. Mr. Speaker, I think that is a ridiculous question.

Mr. CONYERS. That is a ridiculous question, is it not?

Mr. HEFLEY. My answer to the gentleman is I think that is a ridiculous question that not even the gentleman from Michigan——

Mr. CONYERS. The gentleman does not even want to answer it.

Mr. HEFLEY. Neither the gentleman from Michigan nor I know whether there was a $50 billion tax cut put in the budget agreements.

Mr. CONYERS. Mr. Speaker, reclaiming my time, I would say to the gentleman that we voted it out of the bill. It must have been put into the bill. I presume the gentleman was aware and awake the day we voted to take it out. What does the gentleman mean that he does not know if it was put in in the first place?

Mr. HEFNER. Mr. Speaker, as I said earlier, there is no tobacco settlement——

Mr. CONYERS. Mr. Speaker, I did not yield to the gentleman. I am not going to yield to the gentleman anymore.

Mr. Speaker, I reserve the balance of my time.

□ 1230

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Speaker, today the House is listening to the American people by voting on the tax limitation amendment. I feel very strongly about this vote because I know that the citizens in my district, the Third District of North Carolina, need and deserve tax fairness. They, like so many Americans throughout this Nation, are tired of Congress raising their taxes time and time again with just a simple majority.

Taxes have been raised so many times over the years that the American citizen now spends more on taxes than on food, clothing, and shelter combined. In 1934, the American people paid just 5 percent of their income in Federal taxes, but today that burden has soared to over 20 percent. This is simply unfair to the American people.

The tax limitation amendment will protect the American people from elected officials who wish to raise their taxes on a lark by requiring a supermajority for such a vote. Four out of the last five major tax increases have passed with less than the two-thirds majority which this amendment would require. That means had the tax limitation amendment been in place, the American taxpayer could have kept approximately $660 billion of their hard-earned dollars instead of sending the money to Washington, D.C.

I imagine this is why polls show that 75 percent of the American people support this amendment. When I was elected to Congress in 1994, I made a promise to the people of my district that I would work to reduce their unfair tax burden. This legislation that we are voting on today represents a major step toward that goal. It is a protection for the taxpayer that is long overdue, and I urge my colleagues to support it.

Mr. Speaker, in closing, let me ask my colleagues to keep in mind a quote from an editorial in today's Investors Business Daily. I quote: ''The U.S. House will have the chance Wednesday

to perform a noble deed. It can begin to unshackle American taxpayers by passing a tax limitation amendment to the Constitution.''

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado (Mr. SKAGGS).

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, here we go again. It is the third time in as many years that we are considering amending the Constitution to require a two-thirds majority of both Houses regarding any increase in revenue. Note revenue, not just taxes.

I guess this is turning into one of those rites of spring, like the Cherry Blossom Festival, that comes around when the sap rises. But let us not be taken for saps in this.

This is not a spring fling that is harmless fun. It is very serious business. We need to take it seriously even though the process and the timing of this debate, like the cherry blossom parade, suggest that it is mainly for show.

The proposed amendment is a bad idea. But it is also coming before this House through a process that insults Members' intelligence, contradicts any aspiration that this body has to be a thoughtful one, and really demeans and debases the constitutional amendment process itself.

Second, perhaps, only to declaring war, an amendment to the Constitution ought to command the most serious deliberation and legislative review and analysis we are capable of. It deserves much better treatment than this kind of rush job. The Constitution is a little bit too important to be used as a prop for a political stunt.

Even if this were being considered in a serious way, it does not warrant approval, first, because it is undemocratic, and second, because it is grossly impractical.

First, this proposed amendment violates what James Madison called the fundamental principle of free government, the principle of majority rule. In the *Federalist* paper No. 58, Madison put it quite well, and I quote, ''It has been said that more than a majority ought to be required,'' in certain instances. Madison goes on, ''In all cases where justice or the general good might require new laws to be passed or active measures to be pursued, the fundamental principle of free government would be reversed. It would no longer be the majority that would rule, the power would be transferred to the minority.''

In other words, the logical corollary of supermajority rule is minority control. And this amendment demonstrates that in a dramatic way.

Under this proposed amendment, 34 United States Senators, who today might represent less than 10 percent of the American people, would have the power to control the government's tax and revenue policy.

The Constitution makes very few exceptions to the general principle of majority rule; none of them, none of them having to do with the core ongoing responsibilities of government.

The framers considered this very question of whether to require supermajorities for passage of certain kinds of legislation. They specifically rejected proposals to require a supermajority to pass bills on subjects such as navigation and revenues because of their experience under the Articles of Confederation and of the paralysis caused by the Articles' requirement for supermajorities to raise and spend money. Their judgment ought to resonate today and cause us great pause.

In those few exceptions where the framers did impose supermajority requirements, none deals with the ongoing core responsibilities of government. There were only two requirements for supermajorities in both Houses as this amendment would involve: one, to override a Presidential veto; two on the referral of other amendments to the Constitution. Both extraordinary matters.

Under this proposal, it would be, and this gets to the impracticability of it, much more difficult to close corporate loopholes than it would be to impeach the President of the United States. In sum, this goes far beyond any existing constitutional precedent.

But if it is bad in theory, it is even worse in practice.

For example, some of the things that would be made much more difficult, if not impossible, if this amendment were really in the Constitution would be: tax reform, which is hard to do if you do not also have offsetting revenues as well as revenue decreases; eliminating corporate welfare and improving the fairness of the Tax Code by getting rid of special tax breaks on loopholes; selling Federal assets.

There is no definition in this proposal of what internal revenue is. We recently sold the Elk Hills Petroleum Reserve for over $3 billion, certainly not de minimis, that went into the internal revenues of the country. Would that bill have required two-thirds? Nobody can answer that question because this thing was rushed through without any kind of careful deliberation.

Preserving Social Security, Medicare, balancing the budget, all of those things are likely to involve offsetting raises and subtractions. Presumably the raises are going to demand a two-thirds margin.

The SPEAKER pro tempore (Mr. SNOWBARGER). The time of the gentleman from Colorado (Mr. SKAGGS) has expired.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. SKAGGS).

The SPEAKER pro tempore. Without objection, the gentleman from Virginia (Mr. SCOTT) will now control the time for the opposition.

There was no objection.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. SKAGGS) is recognized for an additional 2 minutes.

Mr. SKAGGS. Mr. Speaker, we hear an awful lot about wanting to reduce taxes and everybody would love to lower taxes. But do we really think that reasonable, rational, serious-minded Members of future Congresses will be likely to reduce taxes in times when we have budget surpluses and are able responsibly to do so knowing full well that if times go bad and there were need, again, to balance the budget with increased revenues, that it would take two-thirds then to do so?

It is no wonder, Mr. Speaker, that when the House was constrained by its own rule requiring a three-fifths supermajority to deal with this same issue, it waived that rule repeatedly, to balance the budget, to reform welfare, to preserve Medicare, to extend health care coverage, and increase deductions for small business. But if this supermajority requirement were in the Constitution rather than in the House rules, we could not have waived it, and we could not have passed those bills.

One thing we can be very sure of, we do not know what the future holds. Why would this Congress wish to deprive our successors of the tools and ability to deal with future problems? How arrogant is it of us to say to our successor Members of Congress: We do not care what may be the problems that you face. We are so certain today that you will be incompetent to exercise good judgment in the future that we will make sure that you are deprived of the ability to do so through majority rule.

Rather than insulting those future Members of this body, we ought to honor the wisdom of the framers and protect that central principle of this wonderful government of ours: the principle of majority rule. It has stood us in good stead for over 200 years. We should reject this atrocious idea.

Mr. BARTON of Texas. Mr. Speaker, may I inquire as to the time remaining on each side?

The SPEAKER pro tempore. The gentleman from Texas (Mr. BARTON) has 64 minutes remaining, and the gentleman from Virginia (Mr. SCOTT) has 61 minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 2 minutes to respond to the gentleman from Colorado.

First, I want to commend the gentleman from Colorado (Mr. SKAGGS). He led the debate in opposition to this at least one of the times it has been on the floor. I thought we had a very good, informed, and intellectual debate. I would say to my good friend that the reason it is on the floor is because it is something that needs to be done.

We have 14 States that require some sort of supermajority for tax increase, including, I believe, the gentleman's State of Colorado. We have 27 groups that have endorsed this amendment. We have 10 national groups that have key voted it. We have approximately 10 Governors who have now come out in support of it. We can debate spending priorities; that is a fair thing.

We can debate whether we should have any tax increase or more tax increases, but if you look at the marginal tax rate that has gone up from 1 percent back in 1914 to around 40 percent today, you cannot debate that taxes have gone up tremendously, and to most Americans that tax burden is as high as it should be.

Mr. SKAGGS. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Speaker, I commend the gentleman for the straight face with which he suggests that we are indulged in serious business. We all know we are doing this because it is close to tax day. We did this a year ago. We did this 2 years ago. It failed both times. This is a charade and the gentleman is well aware of it.

Mr. BARTON of Texas. Mr. Speaker, I am totally unaware of that. I think it is a serious issue. I would ask my good friend from Colorado to ask me to his congressional district at a time and place of his convenience, and we will engage in as serious a debate as the gentleman wishes to participate in before his constituents.

Mr. SKAGGS. Mr. Speaker, I would be delighted.

Mr. BARTON of Texas. We will see if they think it should be more difficult to raise their taxes.

Mr. SKAGGS. Mr. Speaker, if the gentleman will continue to yield, we will be in touch to work out a date.

Mr. BARTON of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Texas for yielding me the time. I listened with great interest to my colleague from Colorado who plans to return to private life, and I appreciate my colleague from Colorado a great deal, especially since he was one who spearheaded the notion of civility returning to this Chamber.

Let me humbly suggest in the most civil tones I can offer that when the people's business comes before the House, whether it is in April or December or a time in between, it will befit this House to call serious debate or to characterize serious debate as some form of stunt.

I also appreciate the gentleman's revision of American history because the gentleman, I know, swore to uphold and defend the Constitution. Let us just simply read the first clause from article 5, Mr. Speaker. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution. There is no subservience to some Washingtonized rules of the House.

This House, whenever it shall deem it necessary, shall propose amendments to the Constitution, but to the revisionist history offered by my colleague from Colorado on the left, I would point out that when it came to questions of revenue in the Federal Government and the intent of our founders, there is a larger question this House should consider. And that is, if revenue procurement was so noble and so necessary, why did not the founders include the direct taxation of income in the main body of the Constitution or in the subsequent Bill of Rights?

Indeed, if that is so noble, if that is so civic minded, it would appear to me if that were so sober that our founders would have incorporated that form of revenue procurement into the main body of the Constitution.

□ 1245

And yet, the amendment process gave us the 16th amendment. And, as my colleague from Texas pointed out, starting at a very modest level, we have seen taxes grow from 1 percent to almost 40 percent of the median family income.

Therefore, to be truly constitutional and true to the spirit of debate and civility in this Chamber, those of us who are here to serve the people bring this proposal forward again, not because of cherry blossoms in the spring or sap or any other derogatory comment that some gentleman may offer to score debating points but because, to be true to the spirit of the Constitution, the 5th article is a living, breathing part of the Constitution and we have every right to do this. Because the people govern; and the people in the 6th district of Arizona and across the State of Arizona who have enacted a supermajority limit for raising taxes in State government, and I see my colleague from Arizona, who helped lead that initiative when we were both private citizens, have said, enough is enough.

And so we stand here today to say, the people know best. Not that Washington knows best and not that any type of verbal gymnastics can obscure this basic notion, that it is not a profile in courage to go back to the pocketbooks of the American people again and again and again and, by the margin of one vote, enact what the liberal senior senator from New York called the largest tax increase in the history of the world.

Indeed, this amendment offers a tool completely constitutional, completely rational, and I daresay completely civil to allow Americans to hold on to more of their hard-earned money and send less of it to Washington.

Mr. SCOTT. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. FRANK) before I yield to the gentleman from Texas.

Mr. FRANK of Massachusetts. Mr. Speaker, I am reassured that this is not purely symbolism. But I am puzzled. As I calculate the debate, we have about 2 hours left. It is a quarter to 1. I went into my cloakroom assuming I would be told we would be voting between 3 and 3:30. But I am told that we have been informed that the vote will not be until 5:30 or so because the Speaker of the House is not in town. He is out doing something else, and we have to hold the vote so he can be sitting here.

Now, I hope that is inaccurate. And I am always glad to be corrected. Well, not always glad. Sometimes I am gladder than other times. If I am to be corrected, I would like to be. But if we are holding up a vote for 2 hours just so our out-of-town Speaker can rejoin us and preside on the vote, that seems to me a little symbolistic.

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield for an answer?

Mr. FRANK of Massachusetts. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I saw the Speaker in HT–5 less than an hour ago. So at least an hour ago he was in town.

Mr. FRANK of Massachusetts. So we will be voting right at the conclusion of this debate?

Mr. BARTON of Texas. If the gentleman would yield further, I do not know when we are going to vote. But the Speaker is in town.

Mr. SCOTT. Mr. Speaker, I yield 5½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I rise in opposition to this Republican tax loophole preservation act.

Certainly, it is tempting to write off the proposal as just another expression of Republican frustration at their failure to advance the cause of true tax reform in this Congress. We know that even the bipartisan legislation that we approved here in the House last year to correct some of the abuses at the IRS continues to linger.

Indeed, one of the many subjects on which this do-nothing Republican Congress has done nothing this year is tax reform. There is not one taxpayer in this entire country that can point to a bit of help that it has gotten in 4 months out of this Republican Congress since it convened in January. And this constitutional amendment is no doubt a part of the overall Republican strategy with reference to the United States Constitution.

I have got some friends there in Austin and they wake up each morning and on their calendar they have a thought for the day. Well, the House Republicans always go them one better. They seem to have a constitutional amendment a day. They profess to be a conservative Congress, but we would never know that from the fervor and the furor to edit and tinker and rewrite one provision after another in the United States Constitution that has served our country so well over the last 2 centuries.

The document upon which this Nation was founded is in danger of being tinkered with and overwritten, until it commands as much respect as the municipal traffic code.

And, of course, the immediate effect of this proposal on our efforts to reduce youth smoking must also be considered.

In this morning's paper, our colleague, the gentleman from Texas (Mr.

DELAY), writes, ''No new taxes. No, not even on cigarettes,'' and he declares that any increase on Federal taxes on tobacco is unwise, unwarranted, and unfair.

Well, those of us who have seen the studies that this is the most effective way to cause young Americans to not become addicted to nicotine, the leading cause of preventable death in this country, reject that kind of thinking. We have had difficulty mustering a majority to overcome the stranglehold that big tobacco has had on this House, and to get a two-thirds majority would be impossible forever. And perhaps that is why the tobacco companies support this kind of an approach.

But even more is at stake on this particular matter, and that is why I call it the Republican tax loophole preservation act. Americans are rightfully dissatisfied with our tax system and our Tax Code. They know that it has one provision after another that is a special loophole or advantage that benefits the few at the expense of the many.

Let me reiterate one of the examples that has been given on this floor and enlighten my colleagues a little bit more about it. The $50 billion tax credit that the gentleman from Georgia (Mr. GINGRICH) and his cohorts put into this Tax Code last year as they proposed it was passed here in the House on about page 317 of an extensive bill under a title that masqueraded as assistance for small business. They included $50 billion for the tobacco industry. And only after the bill passed and that little provision was found tucked in there did they suddenly disavow any knowledge. They did not even know how it got there.

Well, if this piece of legislation, this constitutional amendment, passes, all that we need is to get some smooth lobbyist and the cooperation of the Speaker of the House to tuck in a provision like this $50 billion tax credit, and guess what? It will be there forever unless we can muster two-thirds to undo the damage. Unless we can find the will in the House to get two-thirds of this body to write out these loopholes, they are going to be there forever.

I am concerned about the loopholes, about the corporate welfare in our Tax Code. I think it is unfair. I think there is one provision, one special provision put in there by these thick-carpet lobbyists after another that ought to be repealed in the Tax Code. But if we want to ensure that our Tax Code has all the loopholes that it has today plus any that the Speaker and the lobby can throw in there in the future and that they stay there and that all the rest of us who are out there working for a living have to pay for those tax loopholes, approve this measure.

Because the only way we get rid of any of those loopholes is not only to get the majority we find so difficult to get for reforming the tax system today, we will have to have two-thirds of this body. This is the tax loophole protection measure that is up for consideration today.

And every American who wants to see this system change and changed fundamentally so that there is more fairness in our tax system, so that it does not take a bank of accountants to prepare a tax return on April 15, all of us who want to see real change in that system need to be here speaking out against this constitutional amendment. Because it will set back our effort at reform, not advance it.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, I have listened to the arguments time and again against this amendment. This is straightforward.

Government survives on the generosity of its citizens. Should not changes that affect that generosity require more than 50 percent plus one vote?

When the people put on the cloak of responsibility inherent in citizenship of this great country, they understand that they will have an obligation to contribute. They must keep vigilant of the issues of the day, express their opinions, vote their conscience, and actually pay money into the system. This is the price of democracy.

Government has a responsibility, in turn, to respect its citizens. When we talk about legislating an increase in the cost of government, we are talking about taking by force more of the hard-earned money of our own constituents, the people who voted to have us represent them here in Washington, D.C.

In 1996, during my campaign, I pledged, like many other Members, to reduce the tax burden put on American families and to require a supermajority to raise taxes. Today, just a few days after April 15, we all agree that our Tax Code is too thick, our tax laws are too complicated, and our tax system is too burdensome. Our constituents agree. In fact, that is why many if not most of us are here.

An editorial from yesterday's Investor's Business Daily makes this point clearly. The tax limitation amendment is key to reforming a corrupt system that pushes the average American family's tax bill beyond the combined costs of food, clothing, and housing. It is hard to imagine that anyone could find fault with it, certainly not the taxpayers who will work until May 10 just to make enough money to pay taxes.

It is our responsibility today to restore respect for our citizen's generosity with the accountability that the they deserve.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I respect my friend and colleague, the gentleman from Texas (Mr. BARTON), and his genuine concern for high taxes, and I share that concern. But the more I study this constitutional amendment, the less I like it. It is bad policy, period.

This resolution should be named the tax loophole protection act. And this is how it works. If they can afford a million-dollar tax lobbyist, just hide a special interest tax break in a huge tax bill; and then, once it becomes law, it would require a two-thirds vote in Congress to undo their special deal.

Let us be specific. Just a few years ago, when we were trying to stop multi-billionaire American citizens from leaving this country and not paying their fair share of taxes, this would have been a dream come true for them. That is bad news for average working families. They will pay higher taxes to cover the costs of special-interest tax loopholes for multinational corporations and multi-millionaires.

If they can afford to hire well-heeled tax lobbyists, this bill is a dream come true. But if they are a typical hard-working American trying to support their family, this bill is a nightmare.

Mr. Speaker, what bothers most Americans is not paying their fair share of taxes. What bothers most Americans, and especially on April 15, is that their taxes are higher because some powerful special interest too often got back-room, one-of-a-kind tax loopholes. If they think it is a great idea that special interests get tax breaks and loopholes we do not get, they will love the tax loophole protection act.

The American people need to know, and we certainly know, the congressional tax bills are filled with special-interest tax breaks. Sometimes these bills are hundreds, hundreds of pages long; and the effect of hiding taxes, tax cuts, loopholes behind vague language would make Rembrandt and Picasso green with envy.

If there is a single Member of this House that claims that he or she is aware of every hidden tax loophole in our tax bills in recent years, I will relinquish the rest of my time right now. I did not think so.

Mr. Speaker, we should not enshrine into law tax loopholes by requiring the same supermajority vote to amend those loopholes that it would tax to amend our U.S. Constitution. Somehow it just does not seem right to give special-interest tax loopholes the same protection we give our American Constitution. This resolution may lower taxes for the powerfully connected, but it will raise taxes for average working Americans.

□ 1300

Vote no on this resolution.

Mr. BARTON of Texas. Mr. Speaker, I yield 7 minutes to the gentleman from Arizona (Mr. SHADEGG), one of the chief sponsors of this amendment.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding the time. It is often important in a debate to have a red herring. If we do not want to talk about the real issue in a piece of legislation, talk about something that we can imply is involved in the legislation but really is not, a red hearing.

In this debate today, sadly, we have a red herring. The red herring is the argument raised on the other side that this measure will make it harder to close tax loopholes. Member after Member after Member after Member of the other side has gotten up and said this is the Tax Loophole Protection Act. This will make it impossible to close tax loopholes. This is a bad idea because it will make it impossible to reach corporate tax loopholes. Sadly, it appears that those Members either have read it and know that to be false, or have not bothered to read the language that we are voting on.

Simply stated, this measure will make it no harder to close tax loopholes. Any tax loophole in the current Code, as the last speaker identified, and the speaker before him, and the speaker before him berated their concern about not being able to close tax loopholes, every single one of the tax loopholes about which they are concerned can be closed under this measure, and can be closed with a simple majority vote provided that the Congress does not use the closing of the tax loophole to raise overall taxes.

That is, if we close the tax loophole on one particular group or corporation as they would like to do, we have to give tax relief to some other group of Americans. If they are greatly concerned about individual taxpayers being punished when they close the tax loophole, all they have to do is grant tax relief to individual Americans, and only a simple majority vote is required.

All of this discussion of preserving forever tax loopholes is simply wrong. It is not the way the measure is written. The measure is written to provide that any tax increase, that means the closing of the tax loophole, which is revenue neutral, does not result in the increase in overall taxes, passes with a simple vote.

We close a tax loophole, we give other Americans a tax break, and there is, in fact, only a simple majority required. It is sad that they cannot comprehend the language of this measure and want to use a red herring.

Let us talk about some of the other arguments that have been made. It has been argued that this matter is impractical. Well, 14 States are currently operating under this measure and doing extremely well.

It has also been argued that it is confusing, and we do not know what will happen. Well, 68 million Americans know what will happen under tax limitation. In a 12-year statistical comparison of States with tax limitation against States without tax limitation, what happens is very clear.

In States where we have tax limitation, government spending goes up more slowly. As a matter of fact, in tax limitation States, while government spending went up by 132 percent over those 12 years, in nontax limitation States it went up by 141 percent.

There is another corollary. Taxes go up more slowly in tax limitation States. In this 12-year period, taxes went up 102 percent. It is clearly possible still to raise taxes. In nontax limitation States, taxes went up by 112 percent. So we slow the growth of government if we pass a tax limitation amendment.

But let us talk about the positive side of this for the American people. In tax limitation States, this 12-year study showed economies expand faster. Overall economies grow dramatically faster. In tax limitation States, economies grew by 43 percent, whereas, in nontax limitation States, the economies grew by only 35 percent.

Let us talk about the final benefit of this so we do know what would happen. In those States which have enacted tax limitation, employment, jobs, putting people to work grows faster and grew faster in those 12 years than in nontax limitation States.

In tax limitation States, States which have adopted a Constitutional amendment identical to this one, employment grew at 26 percent in the 12 years. By contrast, in States which refused to adopt this, as my colleagues on the other side are arguing, employment grew by only 21 percent.

The bottom line is it is very clear tax limitation slows the growth of government and boosts the private economy, including jobs for which my colleagues on the other side are so concerned.

Another colleague of mine got up and said that this is undemocratic. Somehow this flies in the face of democracy. He quoted James Hamilton, excuse me, James Madison. Let me make it very clear what James Madison said. He was a vocal supporter of majority rule. But he argued that the greatest threat to liberty in the republic came from an unrestrained majority rule.

On top of James Madison who argued that an unrestrained majority rule is bad for democracies, Alexander Hamilton also argued in favor of the danger of an unrestrained majority. The Presidential veto used by this President is the best example of the restraining the majority rule.

The final argument I want to turn to is the issue of how this is somehow inconsistent with the Founding Fathers' view of the world and that the Founding Fathers considered and rejected this. Absolutely nothing could be further from the truth.

Alexander Hamilton, who expressed his views on this issue, pointed out that direct taxes should require specific constitutional constraints. And I would note that, at the founding of this Nation, there was no direct tax. To argue that the Founding Fathers debated this issue and rejected it is silliness. At the founding of this country, there, we not only could pass an income tax with a simple majority vote, we could not pass an income tax with 100 percent vote. Because, at that time, direct taxation of the people was not permitted.

The second claim made by that same speaker was, well, if we pass a tax limitation amendment, no future Congress will ever cut taxes, because they will be afraid that they cannot raise them again in the future. Again the argument is false.

In my State of Arizona, we passed tax limitation in 1992. Since then, we have enacted four significant tax cuts. So with tax limitation in place, the legislature of the State of Arizona has said that they could still cut taxes and have the courage to do that.

There is a simple fact here. This measure will make it harder for this Congress to raise taxes, harder for this Congress to reach into the wallets of hard-working Americans and take money out of those wallets.

All the other discussion on the other side is red herring. What they want is they want it to be easy to reach into your wallet or your purse and take your money. And they understand the simple principle. If we have to have a two-thirds vote, it is going to be harder to raise taxes than if we have to have a simple majority vote. I urge my colleagues to support the amendment.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, could I gain the attention of the floor manager, the gentleman from Texas (Mr. BARTON)? He, in response to the gentleman from Massachusetts, said that he saw the Speaker. He was sighted recently this morning.

Mr. BARTON of Texas. Mr. Speaker, I did.

Mr. CONYERS. Mr. Speaker, I have not yielded yet. The fact of the matter is, if the Speaker's office is correct, they say he is out of town, and is not due back until late afternoon.

I just wanted to announce that so that everybody will know that there is not clones of Speaker GINGRICH around on the floor.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield to me?

Mr. CONYERS. Yes, I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I spoke with the gentleman. Apparently, he misspoke; that what happened, he had said that he had thought he had seen the Speaker an hour ago. He later told me he had seen him maybe a couple of hours or 2½ or 3 hours before. But we have since asked, because I was just puzzled.

This debate is going to end by 3:00 or 3:30, and we were told we would not vote until 5:30. We have been told that the reason for the delay is that the Speaker is out of town. He wanted personally to reside, and that is why we are going to delay it. I mention that in the context of whether or not that was symbolic.

So I appreciate the gentleman's information. Apparently, the gentleman from Texas miscalculated on the time, and he had seen the Speaker earlier. The Speaker since left town, and we are going to apparently delay the vote until the Speaker comes back.

Mr. CONYERS. Mr. Speaker, I add this information, not that I am concerned that he is here or not here, but I just want the record to be correct.

Mr. BARTON of Texas. Mr. Speaker, is there a question?

Mr. CONYERS. Mr. Speaker, I just wanted the gentleman's attention. No; it is not a question. I am making an announcement.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SAXTON), chairman of the Joint Economic Committee.

Mr. SAXTON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, first let me commend the gentleman from Texas (Mr. BARTON), who recognizes the effect of high taxes on the economy. As a matter of fact, recently he traveled to my home State of New Jersey to boost an effort there to do a very similar type of thing that we are trying to do here, hopefully, with a successful vote today.

He went to New Jersey because New Jersey serves as a case study for the reasons that we believe strongly that this bill ought to be passed today. And let me just recite a bit about that case study.

Back in 1990, the then Governor of New Jersey proposed a $2.8 billion tax increase on the citizens of New Jersey, Mr. Speaker. By a single vote, by a single vote in both the State Assembly, that is the lower house, and, of course, the State Senate, also by a single vote in the Senate, the tyranny of a one-person majority pushed through the largest tax increase in New Jersey's history.

The consequences of this onerous tax cost 300,000 taxpayers in New Jersey their jobs. And 300,000 people, following that tax break, following that tax increase, were out of jobs. The economy of New Jersey, already hit by the nationwide recession, fell into further crisis. We called it a recession within a recession because of that large tax increase.

As a result, the leadership in New Jersey changed. It changed hands. And Governor Christie Todd Whitman was elected to reverse the devastating effects of the 1990 tax increase. Governor Whitman pledged during her campaign to cut taxes and then maintained the pledge, and followed through even earlier and more quickly and more efficiently than she had promised.

However, the real threat continues in New Jersey. The tyranny of a one-person majority still has the power to raise taxes on hard-working people in New Jersey. For this reason, Governor Whitman has set out on an ambitious endeavor to ensure that a one-vote majority in both Houses of the State legislature will never again raise the taxes on hard-working families in New Jersey with similar results of the 1990 increase.

Governor Whitman has begun to lobby the State legislature to enact a supermajority to raise taxes modeled after the attempt here today to pass the Constitutional amendment. The people of New Jersey have experienced firsthand the devastating impact of raising taxes on the work force and on the economy.

Providing an amendment to the Constitution requiring a supermajority to raise taxes will negate the possibility of the tyranny of a one-person majority as history in New Jersey has demonstrated. It will be more difficult to raise taxes on hard-working Americans. It will be easier for people to make a living, and easier for the economy to respond in a positive nature.

I urge Members to vote in favor of H.J. Res. 111, and commend the gentleman from Texas (Mr. BARTON), the gentleman from Arizona (Mr. SHADEGG), and the gentleman from Texas (Mr. HALL) for their leadership on this issue.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, my good friend from Arizona (Mr. SHADEGG) made a statement about how great the seven States were doing that require a supermajority vote of the legislature. Sorry. Wrong report.

The fact of it is that the Heritage Foundation report is fundamentally flawed. My source is the Center on Budget and Policy Priorities, which point out that five of the seven States that the gentleman cited experienced slower than average growth in tax revenue, because the study is flawed for the reason that it considers only State level tax changes rather than changes in total State and local revenues. The gentleman forgot that. It is a small point, but it is critical.

By some measures, supermajority States have had less economic growth than other States, and have not had smaller tax increases. Sorry about that. Five of the seven States with supermajority requirements experience lower than average economic growth as measured by changes in per capita, personal incomes between the years 1979 and 1989.

In addition, five of the seven supermajority requirement States had higher than average growth of State and local revenues as a percentage of residents' income. Case closed.

Why do you not bring some accurate statistics and reports, I say to the gentleman from Arizona, who is still my friend? But let us be accurate. We are talking about constitutional amendments.

Mr. BARTON of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

□ 1315

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman from Texas for yielding this time to me and commend him on his work on this issue.

Why should we make it more difficult to raise taxes? Most Americans believe the Federal Government is too big, is too intrusive in their lives. It is a bureaucracy they cannot deal with, and they do not want it to grow, so we do not need to look at more money. This government grows and our taxes grow without raising them.

Many have said we are trying to protect the current Tax Code. That is a lie. If those really believe that, I urge them to join the Largent-Paxton bill that I joined and many have joined here that sunsets the current code on December 31st of 2001, but also requires that by July the 4th we have a replacement. We want to replace this code, but we do not want to make it easier to raise taxes.

The vast majority of Americans believe the Federal Government should stop growing. It grows because of the aggressiveness of our current Tax Code. I come from a State government where taxes were flat. We did not get the kind of growth we get, usually double the rate of inflation just with new money every year.

Then there are those that are salivating over the cigarette tax because it will allow government to grow even more. Now I am not opposing the cigarette tax, but I say for every penny that we bring in on a cigarette tax we need to decrease taxes an equal amount because we do not need more money in Washington. The cigarette tax should not come forward unless we agree that we are going to cut taxes equally.

Why are Democrats afraid of tax limitation? They ruled here for four decades by buying the people's support with new programs, more government, a bigger Federal Government, and this will stop them in their tracks. The American public changed here a couple years ago because they suddenly realized that all of this free money from Washington was not free. They were sending it to Washington, and they got less back than they sent and a Federal Government that does not answer their phone calls, a Federal bureaucracy that does not care about them, a Federal bureaucracy that is totally insensitive to the needs of our communities because they do not understand them.

Yes, the voters today realize that when they increase Federal taxes that the Federal Government is going to grow, and that is what Democrats want, that is what made them successful. But all of a sudden the American taxpayers had as much government as they could afford and as they could want, and that is why Republicans are running the Congress today. And this bill, this resolution, will lock in and make it more difficult to grow this Federal Government that by most people's standards is too big and too hard to deal with.

Mr. SCOTT. Mr. Speaker, I yield 8 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I think the previous speaker made it very clear. The motivation for this is a distrust of democracy in the

people. The gentleman from Pennsylvania said the Democrats kept control by buying the support of the people with programs. In other words, the people dared to disagree with him. The majority preferred certain programs.

For example, to take a program that I believe would have been made impossible by this amendment, the Medicare program, because the Medicare program was passed by less than a two-thirds majority, and it raised taxes because we financed Medigap through Social Security, and the gentleman is correct. The Democratic majority of 1965 would not have been able to buy the support of the people who crassly said, ''We'll take some Medicare in return for a tax increase.'' He would like to make it impossible.

What this amendment is about is a fundamental distrust of democracy, and arguing frankly as to what the results are of having tax limitation or not seems to me inappropriate because we do not in my view derogate from democracy because we think it will have better results.

If my colleagues are committed to majority rule, now we have a modified form of majority rule. We have 2 senators per State. We do not have undaunted majority rule, but within that framework we have always felt that a majority is a more democratic, more representative method than a minority, and what we are being told here is no, majority rule does not work.

The gentleman from Pennsylvania (Mr. PETERSON) made it clear. The darn people kept voting for Democrats. They were bought off. We cannot trust these people to make their own decisions. And then he said correctly, yes, people were unhappy so they voted Republican. But I think my Republican friends are not sure that is going to stick. They shut down the Federal government in 1995; it was not the best decision they ever made. They were a little worried.

So what do they want to do? We heard the gentleman from Pennsylvania; he wants to lock in the decision. In other words, Democrats had won, now Republicans have won, let us not trust democracy. We never can tell about those people, they may get bought off by support for programs again. As my colleagues know, they were for Medicare, they were for Social Security, they may be for another one of those other darn programs.

Let us therefore lock this in; let us change the rules. Let us, while we have a majority now, change the rules so if the people change their opinion, if the public decides that they want more of a public sector, if we were to decide that years from now we might want to increase this percentage of revenue, if the people decided they wanted to raise taxes on cigarettes and not necessarily reduce revenues elsewhere, if people decided they wanted to raise taxes on cigarettes just for programs dealing with health, let us make that impossible. Let us go to a two-thirds vote.

The question is democracy, and by the way, that is a pattern.

Mr. COX of California. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. COX of California. Mr. Speaker, the gentleman understands that when we considered this the last time it got 233 votes, a majority. The only reason that they carried the debate with a minority is that it takes two-thirds in order to amend the Constitution.

Does the gentleman from Massachusetts think that Article V of the Constitution distrusts democracy? Does the gentleman think when three-quarters of the State legislatures have to approve what we are doing here today by a bare majority vote, not a supermajority, that it is not distrusting democracy?

Mr. FRANK of Massachusetts. Yes, it is. Mr. Speaker, I would be glad to respond to the gentleman.

Of course there is a difference, and this is a very profound and very clear difference. There is a difference between the day-to-day decisions that government makes and the question about what the basic rules will be.

Of course the Constitution treats amending the Constitution differently than passing legislation, because what we say is when we are creating the fundamental structure of government, that is a more fundamental decision. And yes it is, I think, reasonable to say. And, no, I am not going to yield yet. The gentleman apparently just discovered that the Constitution required two-thirds and three-quarters.

Mr. COX of California. If the gentleman would yield for a point of personal privilege, I went to the same law school at the very same time, and the gentleman and I were classmates.

Mr. FRANK of Massachusetts. Mr. Speaker, I must say the relevance of where either the gentleman or I went to law school, my friend talked about red herrings, that seems to me totally trivial. The fact is this:

There is a very clear distinction between a Constitutional Convention and the rules for amending the fundamental rules and the day-to-day decisions, and no, I do not think decisions about whether or not we should have a Medicare program. And I want to be clear, the Medicare program would have been made impossible by this.

This is a kind of imposition on the people they do not like. They try to whittle it down, now they would apparently wish they never had it. But the fact is that a decision about whether or not there were Medicare programs, a decision about whether or not to raise taxes on cigarettes, is not the same as the fundamental decision about the structure of government.

And, yes, I think it ought to take two-thirds to decide if we are going to change the Bill of Rights, if we are going to change the basic rules by which we govern ourselves, but that is not the same as saying that the decision to raise the cigarette tax or to institute Medicare, and those are two issues which are involved, should be done only by a majority.

And I think it is very clear the other side does not like a majority. The gentleman from California conceded that point. No, he does not want it to be by majority rule. They have had bad luck with the majority. They did come back into control of Congress in 1994, and it turned out the public has been less sympathetic to their wishes than they had hoped them to be.

So what they are trying to do, the gentleman from Pennsylvania was right, they want to lock it in. They want to use the temporary majority they have now to change the rules so in the future majorities that disagree with them will not have a chance to vote.

They do not like some of the highway bill. They think the highway bill is one of those programs where the Americans get bought off. I have heard some of the Republican leaders say that is what Democrats do. I think the American people have a right to decide they want to go forward with that program. I do not think they are getting bought off.

Now the point again I want to stress is this: Results in tax limitation States and nontax limitation States seem to me irrelevant. We do not decide whether or not we are going to stay with the fundamental precepts of democracy because it might be advantageous.

I will say as far as results are concerned there is a difference between a Federal and a State taxation base. I heard all these arguments about how terrible taxes were for the minority in 1993. They made all kinds of predictions about the tax bill of 1993 would hurt the economy. Never have they been more wrong. But the question is if we will stay with democracy or restrict the people because we do not trust them.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the gentleman, who went to the same law school as the gentleman from California.

Mr. FRANK of Massachusetts. Why do all my colleagues keep saying that?

Mr. CONYERS. It does not mean that everybody learned the same thing at that class. I mean everyone did their own thing. So some of this information is very important about the Constitution that we are discussing here today.

Now the $50 billion cigarette tax reduction for the tobacco industry, which the Speaker knows about since his fingerprints are the only ones on it, would have required a two-thirds majority to have taken out. That is what the gentleman from Massachusetts (Mr. FRANK) keeps telling the Republicans, that that is what the problem with this giveaway bill is that they are masquerading as something good for working folks. It is a corporate giveaway, and they are not going to get

away with it again. They did not succeed last year and it does not look like they are going to do it again.

APPENDIX

DATA DO NOT SHOW BETTER ECONOMIC PERFORMANCE IN STATES WITH SUPERMAJORITY REQUIREMENTS

The Heritage Foundation contends that states in which a supermajority vote of the legislature is required to raise taxes have experienced faster economic growth and fewer tax increases than other states. A March 1996 Heritage report looks at the seven states that have had supermajority requirements in place for a number of years—Arkansas, California, Delaware, Florida, Louisiana, Mississippi, and South Dakota—and finds that five of the seven states experienced slower than average growth in tax revenue. It also finds that five of the seven states (but not the same five states) experienced faster economic growth than the average state. The Heritage report suggests a casual link between supermajority limits, lower taxes, and faster economic growth, saying ''. . . there is no escaping the logical relationship between supermajorities and super state performances.''[3]

But the Heritage study is fundamentally flawed. It considers only state-level tax changes rather than changes in total state and local revenues, despite the capacity of states to shift costs and responsibilities to local governments. In addition, it compares 1980, a year in which the economy was just turning down from the peak of an economic expansion, with 1992, a year at the beginning of a recovery from a deep recession. Economists and analysts generally frown upon comparisons that use years representing different points in the business cycle.

If one measures state and local revenues, examines years that represent similar points in the business cycle, and looks at various measures of economic growth, conclusions very different from those Heritage has presented may be drawn. By some measures, supermajority states have had less economic growth than other states and have not had smaller tax increases. For example:

Five of the seven states with supermajority requirements experienced lower-than-average economic growth, as measured by changes in per capita personal incomes between 1979 and 1989. (These years both represented business cycle peaks.) Four of the seven supermajority states had lower-than-average economic growth during this period as measured by changes in Gross State Product.

In addition, five of the seven states with supermajority requirements had higher-than-average growth of state and local revenues as a percent of residents' incomes from 1979 to 1989. Five of the seven states (not the same five) had higher-than-average increases in state and local taxes per capita from 1984 to 1993, two other years falling at similar points in the business cycle.

This is not to say that supermajority requirements hinder economic growth and lead to revenue increases. Rather, the point is that different choices of years and of measures of taxes and economic growth lead to diametrically opposed results. This should serve as a strong caution that no valid conclusions about the effects of supermajority requirements can be drawn from the type of simplistic analysis the Heritage Foundation has conducted.

Mr. FRANK of Massachusetts. Mr. Speaker, I just want to summarize, to say I understand particularly that the conservative wing of the Republican party has been dissatisfied lately. They used to be dissatisfied with the Democrats, they were dissatisfied with the President. Now they are dissatisfied with their leadership, and I think they are beginning to show dissatisfaction with the American people. The American people are not quite as willing as they are to see the government dismantled.

Yes, people have criticisms of the government in general, but the people show more support for particular programs than is popular with some over there. That is why the gentleman from Pennsylvania talked witheringly about the people being bought off and locking these in, and I say to my friends on the other side, the response when they think the majority is no longer as supportive of their philosophy as they once were is to try to talk them back into being on their side. It is not to change the rules so that the country becomes structurally less democratic than it was the day before.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. SNOWBARGER). The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Mr. Speaker, does that mean we will be voting at the close of approximately an hour and a half that is left? Will we be voting right away around 3:30, for the Members that want to know when we are going to vote? Does that mean when this debate ends we will proceed immediately to a vote?

The SPEAKER pro tempore. The Chair will make that judgment at that time.

Mr. FRANK of Massachusetts. Well, who will tell the Chair what judgment to make, Mr. Speaker?

The SPEAKER pro tempore. The Chair will be making that decision at that time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

To the gentleman from Massachusetts (Mr. FRANK), I want in the interests of full disclosure and open and honest debate, subsequent to his conversation with me publicly and privately, I have called the Speaker's office to try to confirm his whereabouts. The Speaker is not on Capitol Hill at this point in time. He does expect to arrive between 5:00 and 5:30. I will at the appropriate time, at the end of all debate, if we use the full time, ask for the yeas and nays, and I have asked that the vote be held until the Speaker can be here which should be between 5:00 and 5:30.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman for clarifying that and for not mentioning where my friend and I went to law school

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for making that announcement, but I made it earlier. I made it first.

Mr. BARTON of Texas. So?

I would like to walk through some of the constitutional mechanisms which I believe are very important, and which show that the majority that supports this amendment wants the majority to speak on this amendment.

The 16th Amendment allowed a Federal income tax. That passed with a two-thirds vote in the House and the Senate, was sent to the States, and three-fourths of the States ratified it. It is my belief that because of the 16th Amendment, which allowed income taxes to be placed on the heads of the American taxpayer, that we need a constitutional amendment raising the bar to a two-thirds vote.

If we were to pass this amendment today, it would take two-thirds of the House. We would send it to the Senate, it would take two-thirds of the Senate. It would go to the States, it would take three-fourths of the States to ratify. Those States would ratify by a majority vote in the States, so there will be ample opportunity for a majority of the citizenry and their elected legislatures in this country to determine whether they want to raise the bar on raising taxes.

Mr. COX of California. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from California.

Mr. COX of California. I think the gentleman raises a very important point. We were just having a debate about what are procedural rules and what are substantive rules. The gentleman from Massachusetts insists that it would be antidemocratic were we to have a two-thirds vote requirement to have procedural rules that govern revenue bills, and yet the gentleman makes a very fine point.

The Founding Fathers who wrote the Constitution, including the Bill of Rights that we now so cherish and would not amend without a two-thirds vote, said there could be no income tax at all, not Medicare payroll taxes, not any kind of tax. And it required the 16th Amendment to the Constitution in the 20th century, which passed not only the Congress by a two-thirds vote but all of the State legislatures, three-quarters of them by another majority vote in each, in order to change that rule.

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Clearly the constitutional requirements to raise revenue are the sorts of procedural rules that the Founding Fathers intended would be governed by Article V of the Constitution, and clearly the consequence of the amendment that the gentleman is proposing

[3] Daniel J. Mitchell, ''Why a Supermajority Would Protect Taxpayers,'' The Heritage Foundation, March 29, 1996.

here today is not only to ensure that two-thirds of the House and Senate are with us, so it is clearly majoritarian, but also all of the States get in on this debate.

In 75 percent of the State legislatures, at least we would have to have a majority vote in support of this proposal before it can become law. I can think of no more deep trust in democracy than this proposal.

Mr. Speaker, I would point out that the constitutional fathers wanted to make it impossible to have an income tax, so you could have had 100 percent vote, and it would have been unconstitutional, because direct head taxes were unconstitutional. It took an amendment to the Constitution in 1914 to make income taxes permissible.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. GRANGER), the former mayor of Fort Worth.

Ms. GRANGER. Mr. Speaker, I rise today in strong support of the tax limitation amendment. Ronald Reagan once said, ''We all work for the Federal Government. It's just that some of us don't take the civil service exam.''

The Gipper was making a joke, but he was not trying to be funny. He was referring to the fact that every American works from January 1 to May 9 just to pay his Federal income taxes. That is right, for over 4 months of the year, the income of Americans goes not to their savings account, not to their families, but to the government.

For too long, Washington has taken too much money from too many people. The only way to stop this is to lower taxes and keep them lowered.

How can we do this? With the tax limitation amendment. This amendment simply says if you want to raise taxes, you better have a good reason, and you better be able to convince two-thirds of the people's representatives in Congress.

For the critics of this amendment, I have some questions. Do you really think the American people are undertaxed? Most Americans do not think so. Do you really think a tax increase automatically equals a revenue increase? History suggests otherwise. Do you really think it is such a bad thing to make it difficult to raise taxes? After all, it is not our money we are talking about; it is the hard-earned, hard-won money of the American people.

Mr. Speaker, I would remind some of our friends on the other side of the aisle that Congress does not live on taxes alone. We have reached a budget surplus by controlling spending and growing the economy.

More importantly, Mr. Speaker, I support this amendment because it is true to the spirit and the soul of our Nation. Before there was an American dream, there was the dream of America; a place where free people could raise a family, work for a living, and maybe own a home. A place where free people were busy making a living by making a difference.

This is a story of America. Our greatness is found not in the halls of Congress, but in the heartland of the Nation. We have solved our problems not because of government programs, but because of our good people.

Mr. Speaker, just think what the American people can do and will do when we let them keep more of their own money. Just think of the history that will be written in the next century, if only we allow Americans to have the resources they need and the freedom they deserve.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BENTSEN).

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, I rise in opposition to H.J. Res. 111, the tax limitation amendment. I support fiscal discipline, including strict adherence to the Balanced Budget Act we enacted just 8 months ago, and I support a simpler, fairer, and more efficient tax code. But this proposed constitutional amendment does not guarantee that we will stay the course of fiscal discipline or enact responsible tax reform. This legislation is bad process, bad politics and bad policy.

First, an amendment requiring two-thirds of both houses of Congress to raise taxes would allow a small minority to hijack tax policy. That's critical because only 146 members of the House could exert control over the Federal Government's most powerful policy lever. This is simply unwise. A small minority of the House could impose its will on the majority giving new meaning to the phrase, ''Taxation without representation.'' And why limit the two-thirds requirement to tax increases? Why not require a two-thirds increase to reduce Social Security benefits or to declare war? In making policy choices, the Constitution adheres to the time-honored principle of majority-rule. I believe we should stay the course.

Second, although the resolution would amend the Constitution to make it more difficult to raise taxes, it does not define what constitutes a tax or a tax increase. For instance, many of us support scrapping the Federal Tax Code. Yet, if this amendment were adopted it could result in a small minority blocking significant tax reform because any closure of a tax loophole to create a more simple and fairer tax system could be considered a tax increase. Eliminating the wasteful ethanol subsidy could be interpreted as a tax increase. Issues like this would kill tax reform.

Third, this is the third time in 3 years that we will go through this publicity stunt. In 1996, an identical resolution failed by 37 votes. In 1997, it failed by 49 votes. The Senate did not even consider the bill. Each time, more members are realizing that the resolution is a Republican Party publicity stunt performed around each April 15. This is a political device disguised as a solemn constitutional amendment; it embraces a popular goal while maintaining silence over the means to accomplish it.

I want to emphasize that this is not a vote on whether to raise taxes. many who oppose this legislation, myself included, voted for $95 billion in tax cuts as part of the balanced budget agreement reached last year. Rather, this is a vote about whether we will effectively put the President and the Congress in a policy straightjacket that would severely limit our ability to fight recessions, depressions, capital flights, currency devaluations, reform the Federal Tax Code, and other challenges posed by a new economy.

Rather than engage in making political points, this Congress should continue on the path of sound fiscal policy we established in the Balanced Budget Act of 1997. Passage of this act showed we could balance the budget while cutting taxes for working families, encouraging Americans to save for retirement, protecting Medicare, and investing in education and research.

If we are serious about reforming the Tax Code and maintaining fiscal discipline, we cannot rely on gimmicks that tinker with the Constitution. Rather, let us get on with the important work of this Congress, including passing a long-overdue budget resolution that abides by the budget agreement, committing any surpluses to paying down the $5.4 trillion Federal debt, and strengthening Social Security for future generations. These are steps that will make a real difference for the American people. This legislation will not.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in support of tax cuts for hard-working American families, but in opposition to this tax loophole protection bill.

Mr. Speaker, this bill would require a two-thirds majority vote to approve any legislation raising taxes. Now, that is a great sound bite, until you realize that it stops bills closing tax loopholes for the wealthy in order to provide tax relief to working middle-class families in this country.

For instance, it would allow billionaires, who have made their fortunes here, to decide to renounce their citizenship to go to live in another country, and, therefore, not have to pay for any taxes. It makes it harder to pass legislation raising tobacco taxes to stop children from smoking.

I support tax relief for working families. The first bill I introduced as a Member of Congress was a bill to cut taxes for middle-class families. In this Congress, I have introduced the bipartisan Smoke-Free and Healthy Children Act to raise taxes on tobacco by $1.50 per pack. This bill would deter children from starting to smoke. It would fund cancer research and public health initiatives, and it will support safe, affordable child care for all of our children. But if this two-thirds requirement passes, legislation raising tobacco taxes is doomed.

Mr. Speaker, the legislation before us today protects the tobacco industry and makes it harder for Congress to pass legislation increasing the taxes on cigarettes. Today, as we discuss tobacco legislation, the tobacco industry executives must be dancing for joy.

Mr. Speaker, I urge all of my colleagues to vote no on this bill.

Mr. BARTON of Texas. Mr. Speaker, I yield 6 minutes to the gentleman

from California (Mr. COX), the Chairman of the Republican Policy Committee.

Mr. COX of California. I thank the gentleman for yielding me time.

Mr. Speaker, I would point out in response to my colleague who just spoke that she is incorrect about the way that the amendment would work. It would be very easy for us by mere majority vote to have a tobacco tax, even with this amendment in the Constitution. However, it would be very difficult for us to raise $300 billion or more from the American people and grow the government by that amount.

What would be required by this amendment is that we have a thorough debate on whether we want to grow the government with those new taxes or whether we want to offset other taxes on the working Americans that the gentlewoman says she favors simultaneously. If the net effect is to grow the government by $300 billion rather than impose a new tariff on tobacco, but return those revenues to the American people who earn the money in the first place in the form of other tax cuts, it makes a big, big difference.

What this legislation is all about is the tax burden on the American people, which right now is higher than at any time in two centuries of American history.

It is worth dwelling on that. In fact, we should have a moment of silence for the hard-working American people bearing this tax burden. Not just the highest tax burden in the history of the United States of America in terms of the raw number of dollars, not even the highest tax burden in terms of inflation-adjusted dollars, but the highest tax burden as a share of the economy in two centuries of American history, even with this large and growing economy, as a share of that economy, with the exception of 2 years, 1944 and 1945, when income taxation by the Federal Government reached 20.9 percent of gross domestic product.

We are up over 20 percent again now in peacetime, not World War II. That is where the tax limitation amendment passed the House of Representatives on April 15th, 1997, a year ago, with 233 votes, a significant majority. But the defenders of majority rule over there, who say we distrust majorities, are hiding behind the fact they have to have a two-thirds vote in order to pass this, and claiming victory because a minority of them want to have higher taxes on the American people, and it is minority rule and minority dictation that are actually controlling this debate today, because we need to get from 233 votes to 290 votes in order to succeed, where the State legislatures then, after we propose, and that is all we do in this process as Congress, is propose a constitutional amendment, will pass it or not by a majority vote. A majority will rule in the State legislatures.

That is how constitutional amendments under Article V of the Constitution become part of that charter document. Seventy-five percent of the State legislatures would have to enact it by a 50 percent vote.

So do not give us this stuff about ''We are for majority rule.'' You are hiding behind the supermajority vote requirement here to defeat tax limitation for the American people so you can keep taxes high and make them easier to raise. The tax burden on the American people now is unconscionably high, and we need relief.

It is currently a rule of the House of Representatives that we have a supermajority vote to raise taxes. That is the way we operate right now. Ever since Democrats lost their status as the majority party here in 1994, we have operated under this rule, and we have not raised taxes.

In 1993 we had the largest tax increase in American history, and that was the penultimate act of the Democratic Congress before they lost their status as the majority party.

In 1994, when we won majority status as Republicans in this Congress, the Dow Jones industrial average was at 3900. Today, it is around 9000. Today, tax collection by governments at all levels are higher than ever as a result of wise tax policy; not trying to soak the American people for every last red cent they are worth, but as a result of some common sense and moderation.

The 16th amendment to the Constitution, which made the income tax possible, was proposed by a Republican Congress. In the House of Representatives, in this very building, in 1909, Representative Sereno Payne of New York offered what became the 16th amendment to the Constitution; and Champ Clark, the minority leader from Missouri, also spoke in favor of that. Both of them were opposed to the kinds of tax regime we have today.

Mr. Payne, the chief sponsor of the 16th amendment, said he wanted to make sure that we had this power added to the Constitution so that we could exercise it only in time of national security emergency, in time of war.

As to the general policy of an income tax, he said,

> I am with Gladstone. I believe it tends to make a Nation of liars. It is, in a word, a tax upon the income of honest citizens, and an exemption, to a greater or lesser extent, of the income of rascals.

That is the chief sponsor of the 16th amendment that made this possible. It took two-thirds of both the House and the Senate to give us that amendment in the first place.

If you want to trust democracy, then trust our State legislatures, who, by majority vote, will give us this tax limitation upon the Congress, or they will not. Seventy-five percent of them must act by majority vote in order for this to happen.

If you want to trust democracy, consider the results of the last half century, when the income taxes exploded by leaps and bounds. As recently as the eve of Pearl Harbor, only one in seven Americans had to file an income tax. My folks, when raising me, making the average national income, like every family making the average national income in the 1950's, paid income tax at a rate of 2 percent. The FICA tax on my dad's paycheck was 1.5 percent. Look at where we are today.

If you think taxes need to be higher, vote against this. If you think it is undemocratic that we require two-thirds of the United States Senate to ratify a treaty, vote against this.

If you believe in the United States Constitution, if you believe in the wisdom of the Founding Fathers and the Constitution that they gave us, if you believe in the American people, and you do not think this is a giveaway, but rather letting them keep their money, vote with the gentleman from Texas (Mr. BARTON) and vote for this amendment. We desperately and dearly need it for the future of America.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I would say in response to the comments of the gentleman from California that I do believe in the United States Constitution, and I think sometimes that the Republican majority in this House thinks that the U.S. Constitution is a draft document that needs constant revision. Our Founding Fathers set up a document that establishes a balance between the branches and establishes majority rule on those issues of substance that come before this particular body.

There is a difference. As the gentleman from Massachusetts pointed out earlier, there is a difference between those rules laid out in the Constitution that govern how we operate here and the matters that relate to what working families in this country have to deal with.

Mr. COX of California. Mr. Speaker, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from California.

Mr. COX of California. I would point out, if I understood the gentleman, he said the Founding Fathers set up this balance, and that the Constitution is not a draft document. But the Constitution the Founding Fathers gave us made taxes unconstitutional and it took the 16th amendment to make it possible. So we are only amending the 16th amendment.

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Mr. ALLEN. Mr. Speaker, the Founding Fathers said very clearly that there is a process for establishing, for amending the Constitution. That is what we are going through. This is not hiding behind the supermajority vote. This is not minority dictation. This is an issue of how we are going to deal with substantial, substantive issues as we go forward.

There has been a lot of debate here about State examples. They are, in my

view, almost completely irrelevant. The States are not responsible for Medicare, the States are not responsible for Social Security, the States are not responsible for national defense, and the States are not responsible for taking this country out of a deep recession or depression, if we ever fall into one again.

We want to preserve majority rules on those issues that matter, mostly that involve the business of this House, as we conduct it.

I would say this. One speaker earlier said this limitation, constitutional tax limitation agreement, would make it harder for this Congress to raise taxes. That is right. It would make it harder for this Congress to raise taxes, and it would make it much harder for this Congress to reduce deficits, because the two go together.

If we look back at history, what has happened here in this Congress in recent years, since 1982, five of the six major deficit reduction acts that have been enacted since 1982 and helped us balance the budget have included a combination of revenue increases and program cuts. President Reagan signed three of those deficit reduction measures, President Bush signed one, and President Clinton signed one. Not one of those five passed with a two-thirds majority in this House of Representatives.

There is no one in this House, there is no one in this House who can look out into the future and see what is going to happen to Medicare in 10, 20, 30 or 40 years. There is no one in this House who can be absolutely sure that we are not going to need to do something with Social Security, or other issues that come before us.

This is a bad bill, and it should be voted down.

Mr. BARTON of Texas. Mr. Speaker, I am happy to yield 2 minutes to the distinguished gentleman from the great State of Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, it is a big deal to amend the Constitution, I agree. Mr. Speaker, I want to talk about this issue from a little bit different level than what we have talked about it thus far.

Why should we change the Constitution and make it hard to raise taxes? One simple reason: freedom, freedom, freedom. If we take someone's money, we take their freedom away. The more money we take, the more freedom we take away. It is inherent upon us to try to restore some of the freedoms that have been lost in the last 50 years in this country.

Mr. Speaker, I can remember as a small boy and then as a young man and now here at 50 years of age, I can list the things I cannot do today as an American citizen that I could do at those times. So what I would want the American people to think, and for the Members of Congress to consider, is are they more free if we make it harder to raise Americans' taxes? Are Americans more free if we take less of their money, not more? That is what this is about. We are not amending the Constitution any more than we are amending the sixteenth amendment, which made it all too easy to raise taxes.

We just heard about the five tax increases that have been passed. Not one of those balanced the budget. The budget is not balanced now.

We have heard of surpluses. That is a joke. We are going to borrow $150 billion this year. There is no surplus.

The tax increase never gave us a balanced budget. For every dollar we increased taxes out of the last five, the Members of this body have not had the determination, except to spend another $1.46 for every dollar we increased the taxes. So we should make it very difficult to raise taxes, because it is very important we return freedom to the people of this society.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in opposition to this amendment, because it is part of the annual rite of spring; that is, the Republicans wait until tax day and then they trot out this bill. And in a somewhat cynical fashion they suggest to us, you did not like paying your taxes, so here is our solution so you will not have to pay higher taxes.

Let us try to go behind the rhetoric and look at the reality. The fact of the matter is, it is not likely that we are going to raise taxes. Number one, we are in a period of unprecedented economic prosperity. We have projected surpluses for the next 5 to 10 years. There is absolutely no enthusiasm or inclination to raise taxes.

Second, as the gentleman from California pointed out, we are operating under House rules by the Republicans that say we have to have a supermajority to initiate a revenue increase. Unfortunately, they have waived it about three times, but the fact of the matter is, if we have the House rules that prevent raising taxes, if we have an economy that suggests there is no need to raise taxes, we have to wonder, why are they so determined to pass this measure?

Let me suggest that this is just another in the continuing chapter of the Republican efforts to provide tax reform for the rich. Why? Because what this bill would do is prevent us from closing tax loopholes in two areas: first, the corporate tax loopholes. What this bill would say is, if we Democrats propose to close tax loopholes, oh, that is raising revenue, we cannot do it. There are also tax loopholes for the very wealthy. We could also be prohibited under this amendment from closing those tax loopholes.

So the real beneficiaries of this amendment are not going to be average Americans, who are not likely to see a tax increase. The real beneficiaries are going to be the very wealthy and the corporations.

One other group we heard about, the billionaire expatriates; that is, the people who earned their money in this country and then decided to leave and take up foreign citizenship so they could avoid paying taxes. They, too, would be protected under this amendment.

Mr. Speaker, the point is this: We need to close some tax loopholes. We need to close corporate tax loopholes, we need to close corporate loopholes for the very wealthy, and we need to close the expatriate tax loophole. We need the ability to do it. This bill impedes that.

We do not need to tinker with the Constitution. I found it very interesting that the gentleman from California suggested, well, the reason we cannot get this bill passed is because we require a supermajority to amend the Constitution. That is the whole point. That is why this is a bad idea. I do not think the gentleman can have it both ways.

The Constitution is working. The economy is working. The only people who benefit from this April Fool's joke are the rich. It does not benefit the average taxpayer. I urge the rejection of this amendment.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I will actually read the resolution we are voting on and explain it:

''Any bill, resolution, or other legislative measure,'' and that means any vehicle that we bring to the floor, ''changing the Internal Revenue laws,'' that is, the Internal Revenue Code we currently operate under, ''shall require,'' it means we must, ''for final adoption in each House,'' that is, the House and Senate, ''the concurrence of two-thirds of the Members of that House voting and present,'' it means it would take a two-thirds vote to raise taxes, ''unless that bill is determined at the time of adoption,'' i.e., through the normal committee process, ''in a reasonable manner,'' we would be open and transparent, ''prescribed by law, not to increase the internal revenue by more than a de minimis amount.'' De minimis is a Latin word that means a very little bit, if you want to talk Texan.

''For purposes of determining any increase in the internal revenue under this section, there shall be excluded any increase resulting from the lowering of an effective rate of any tax.'' That is, you can cut the capital gains tax rate with a majority vote, and if that raises revenues, so be it. ''On any vote for which the concurrence of two-thirds is required under this article, the yeas and nays of the Members of either House shall be entered,'' so it has to be a record vote.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DELAY), the distinguished Majority Whip.

Mr. DELAY. Mr. Speaker, I thank the gentleman for all his hard work. I am proud to call him a fellow Texan,

and he has worked so hard on this constitutional amendment, along with the gentleman from Arizona and so many other people, just to get this amendment passed for the American people.

Mr. Speaker, I appreciate the gentleman clarifying what has been going on here. It will be tough to pass this legislation today, chiefly because of the efforts of liberal Democrats to kill it. We all know that.

There has been a lot of talk about addiction these days: drug addiction, cigarette addiction, other things. Make no mistake about it, liberal Democrats are addicted to higher taxes. They want higher taxes so they can spend more money and expand the size of this government. We know that. That is the difference between the two parties. They are trying to defend it, though, by covering up the reality of what this bill actually does.

The gentleman from Maryland was talking about the fact that we cannot close corporate loopholes for the rich. That is not true. What is in the amendment is, basically, if we want to close corporate loopholes, then cut taxes for somebody else and make it a tax-neutral bill, and we will not have to have the supermajority vote. That is covering up what is the truth here. He wants more taxes to expand the size of government.

The gentleman from Maine was talking about the fact that, since 1982, there have been five bills introduced in this House to lower the deficit and balance the budget, each one of them to raise taxes by a majority vote. He is absolutely right. But the fact was, in every one of those bills, including the ones signed by Reagan and Bush, the size of government expanded, the taxes went up, and the deficits went up, too. There was no balanced budget. The only budget that is close to being balanced is the one that we passed last year that cut taxes and restricted spending and the growth of this government.

The American people know that. They are not going to be fooled by all the rhetoric. Every proposal that has come out of this White House is a proposal that will be funded with higher taxes.

The gentleman from Maryland said we are not going to raise taxes around here because we have a surplus. Has he not been listening to the White House? They want to raise cigarette taxes. They are talking about it almost every day, about raising cigarette taxes to $1 or $2 a pack. Every proposal that comes out of this White House will be funded by more taxes.

In fact, later on this week, tomorrow, I understand, the White House is going to celebrate with those Members of Congress who voted for the largest tax increase in history in 1993. They are going to have a party over at the White House, imagine that, a celebration for those who voted for the largest tax increase in the history of this country.

I have to tell the Members, many of those people that will be celebrating tomorrow at the White House are now former Members of Congress. The American people spoke in that last election that made them former Members.

Mr. Speaker, clearly, clearly the White House, the President of the United States, liberal Democrats, are totally out of touch with the American people. If we look at the elections all across this country, their philosophy of higher taxes and bigger government is being rejected all across this country. The American people are overtaxed, they are overregulated, and they are overburdened by this Federal Government.

I am not talking about the tax burden of 38 percent. Over 50 percent of the average family's income goes to pay for government, if we add up all the costs of government, local, State, and Federal taxes, and the cost of regulations. Fifty cents out of every one of Members' constituents' hard-earned dollars goes to the government today. No wonder America's families are under such strain, because it takes one parent who is forced to support the government while the other one works for the family in this country.

We think that is immoral. We have got to stop this rampaging in the American family's pocketbook, Mr. Speaker. This amendment to the Constitution will make it more difficult to raise those taxes, and we should make it more difficult to raise taxes. That is why I support this legislation.

Mr. SCOTT. Mr. Speaker, I yield 8 minutes to my distinguished colleague, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank my friend and colleague from Virginia for yielding time to me.

I rise in opposition to this resolution to amend the U.S. Constitution to require a two-thirds vote to raise Federal taxes.

Last year, the Washington Post characterized this best under the editorial, Show Vote on Tax Day. That does not apply this year, because we were in recess when April 15 came and went, but the strongest argument is still applicable, we should not be using the Constitution as a political prop.

We know the political advantages of doing this kind of thing, but let me tell the Members some of the disadvantages of doing it and some of the fatal flaws that are involved with this legislation.

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One of them is that we fail to define a number of the most important terms. For example, what is ''de minimis''? We do not explain whether we are talking about a $50 million tax increase or a $1 billion tax increase.

What constitutes a ''broadening of the tax base''? Whose interpretation is it? The leadership of the Congress? When we are talking about something this serious, clearly we need to define precisely what it is we are talking about.

But it also needs to be stated and considered by the majority that this would preclude any fundamental reform of the IRS Code, because we cannot have a fundamental reform of the IRS Code without affecting tax rates and altering the present tax base. Any changes that would broaden the base, such as closing corporate loopholes or replacing the current tax system, as the majority leader wants to do with the new flat tax, or the chairman of the Committee on Ways and Means wants to do with a national sales tax, would now require a ⅔ vote and then ultimately would not be determined on the floor of the House. Instead, there issues would have to be determined across the street in the Supreme Court.

But let me tell my colleagues about another issue, one that smacks of hypocrisy. Let me bring the House back to 1995 when this body passed the Contract on America, and we had one provision which was the most celebrated. First of all we had a rule that passed in January, and I think all the Members remember that. We had to have a three-fifths vote to raise any taxes. It said ''no bill or joint resolution or amendment or conference report carrying a Federal income tax increase shall be considered or passed or agreed to unless determined by three-fifths of all the Members voting.'' That is a rule that applied to all of our legislation.

We then had the Contract With America Tax Relief Act of 1995 three months later, which became the first violation of that very rule. I raised a point of order because that so-called Tax Relief Act actually increased capital gains taxes on small business from 14 percent to 19.8 percent. There was a point of order that should have been applied. In a precipitous ruling it was originally rejected, but then I got a letter from the House Parliamentarian saying absolutely, it was a violation of the House rule.

Subsequently and because of that ruling, the House leadership, the Committee on Rules, has had to waive the three-fifths vote requirement on every single occasion they have brought up a tax bill. Four occasions in the last term. For the Balanced Budget Act of 1995, they had to waive the rule. For the Medicare Preservation Act, they had to waived the rule. The Health Coverage Affordability and Portability Act, waive the three-fifths requirement. Likewise, the Small Business Protection Act. Four times we waived the rule that required a three-fifths vote because we never had three-fifths of the votes to pass just those basic relatively non-controversial tax law changes.

Now, let me tell my colleagues about another more recent example, and that is the tax relief bill we just passed as part of the Balanced Budget Act. It was a compromise. The majority and the minority both agreed to it. It was called the Taxpayer Relief Act of 1997. It closed some tax loopholes, but it imposed a new aviation excise tax and

broadened the tax base to help pay for some of the bill's tax cuts. That also did not get three-fifths. It was a violation of the House rule.

Mr. Speaker, we know if this was passed we could never do that kind of a thing. We could never have that kind of a Balanced Budget Act.

Lastly, I want to go even further back to the Articles of Confederation. Initially they thought this was a good idea. They said that nine out of the original 13 States would have to vote. Article 9 of the Articles of Confederation required just this kind of supermajority, nine out of 13 States.

If we look back at some of the debate that occurred in the Constitutional Convention, we will find that tax increases became too politicized. They could never get 9 out of 13 States to actually do what was necessary to keep this Republic going. And so in 1787 at the Constitutional Convention our Founding Fathers recognized that this was a supreme defect and they established a national government that could impose and enforce laws and collect revenues through a simple majority rule.

Mr. Speaker, my point is, this is a legislative responsibility. Do not take this legislative responsibility and pass the buck, send it across the street to the Supreme Court and have these difficult issues resolved by the Judicial Branch. They should properly be resolved by the legislative branch, by Congress.

I do agree with that Post article last year that this is another ''show vote.'' We do not need show votes in the Congress. What we need is people who are willing to make the tough choices, who are willing to look back at history and realize that the public is best served by majority rule and a Congress with the courage to do the right thing ahead of the politically expedient thing. This constitutional amendment is not the right thing to do, it is at best a politically expedient ''show vote''.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I want to thank the gentleman from Virginia for his contribution today. Four times they have had, the Republicans have had to waive their own requirement. Does the gentleman have there any explanation from them as to why that occurred?

Mr. MORAN of Virginia. Mr. Speaker, reclaiming my time, obviously they felt that they got the political benefit from putting in that three-fifths rule requirement. But then when it would apply, they got a rule that waived it. We raised an objection but nobody seemed to care.

Mr. CONYERS. Mr. Speaker, if the gentleman would continue to yield, why would people come to the floor crying about that same issue, then? Why would people now come to the floor crying about why they need to impose this two-thirds requirement rule, when the same rule they imposed in the House under NEWT GINGRICH, the Speaker, is the one they ignore, they honor in the breach, they never do it?

Mr. MORAN of Virginia. Mr. Speaker, I would say to the distinguished ranking member that he makes an excellent point. Here we cannot even meet the 60 percent requirement and they want to raise it to a 67 percent requirement. It seems to me, again, that this is just window dressing and not substantive legislation. I thank the gentleman from Michigan (Mr. CONYERS) for raising an excellent point.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, I thank the gentleman from Texas (Mr. BARTON) for yielding me this time, and I thank the gentleman for bringing this very important issue to the floor.

Mr. Speaker, I would also like to compliment the gentlemen and ladies on the other side who have spoken out against this resolution, because I have to compliment them. They are brave to be able to come up here and speak their beliefs and really come out on the position of being for taxes. If I did something like that, I could not return to Texas. But I have to admire them for their willingness to come here and take a pro-tax position, so I think that is to be commended.

Mr. Speaker, I would like to suggest to our side that if we all in the Congress did a better job in following the Constitution, we would not need this amendment. Because if we took our oath of office seriously, if we followed the doctrine of enumerated powers, if we knew the original intent of the Constitution, this government and this Congress would be very small and, therefore, we would not have to be worrying.

The other contention we have and have to think about is if we do not already follow the Constitution in so many ways, why are we going to follow it next time? Nevertheless, this is a great debate. I am glad I am a cosponsor. I am glad it was brought to the floor.

We do have to remember there is another half to taxation and that is the spending half. It is politically unpopular to talk about spending. It is politically very popular to talk about the taxes. So, yes, we are for lower taxes, but we also have to realize that the government is too big. They are consuming 50 percent of our revenues and our income today, and that is the problem.

Government can pay for these bills in three different ways. One, they can tax us. One, they can borrow. And one, they can have the tax of inflation, which is indeed a tax. We are dealing here only with one single tax. But eventually, when we make a sincere effort to get this government under control, we will look at all three areas.

We will limit the borrowing power. We will limit the ability of this Congress to inflate the currency to pay the bills. And we certainly will follow the rules of this House and this Constitution and not raise taxes.

Mr. SCOTT. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. NEAL of Massachusetts. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I would say to the gentleman from Texas (Mr. PAUL) before he goes out, I just wanted to explain one thing. This is not a debate about those ''for'' taxes and those ''against'' taxes, so the gentleman misunderstands our position. Our position is not for enshrining corporate loopholes to the tune of $450 billion in a constitutional amendment. It is not about being for taxes. I am not for taxes. I am trying to keep the gentleman's side of the aisle from enshrining this $450 billion loophole.

Mr. NEAL of Massachusetts. Mr. Speaker, reclaiming my time, for the third year in a row we are now debating a resolution to pass a constitutional amendment to require a two-thirds majority for any bill making a change in the revenue laws unless it is, ''determined at the time of adoption in a reasonable manner prescribed by law not to increase revenue by more than a de minimis amount.'' The resolution failed to receive a two-thirds majority for passage the past two years, and last year the defeat was by a greater margin.

All I can say about this resolution is that we have said enough about it and it is time to move on, instead of this waste of time with the gimmicks that are typically associated with these efforts in this House. Let us get away from the gimmicks.

Mr. Speaker, if I can, we ought to call this the ''Republican Straight-Faced Amendment.'' There are Members of this House that vote for term limits after they have served for 20-plus years and do not retire. That constitutionally we ought to take the line-item veto and pass it down to the White House, because somehow they believe that there is more wisdom at that end of Pennsylvania Avenue than this end of Pennsylvania Avenue. And, Mr. Speaker, instead of doing our work, we ought to have a balanced budget amendment to the Constitution, which we balanced without disturbing the Constitution.

Mr. Speaker, it is gimmickry and it speaks to the lowest instincts of the American voter when these proposals are repeatedly put in front of them by people who lack the fundamental sincerity on most of these issues. If they are for term limits after 12 years or 6 years, pick up and go. If they pledge at home that they are going to do that, they ought to take advantage of it and

leave the institution. But no, we come back with this kind of a gimmick time and time again.

Since this is the third year in a row, Mr. Speaker, that this proposal is brought before us, let me give my testimony from the last 2 years as well and submit that for the RECORD:

Mr. Speaker, today is a day that is dreaded by most Americans for one reason or another. Today, April 15th is commonly known as ''Tax Day.'' Anxiety is high and many Americans are scrambling to meet the deadline. People across America are concerned if they have to pay or if they did their taxes right. Today, the House is participating in a publicity stunt to try to ease the anxiety and fear about our current tax system.

We went through this exercise exactly a year ago today and rational minds prevailed. The resolution fell 37 votes short of the two-thirds majority required to endorse a change in the Constitution. We should not waste our time by having this debate again and hear Mr. Speaker would like to have it every April 15th.

Instead of holding this publicity stunt, Congress should be working towards balancing the budget. This resolution will not help individual taxpayers. A balanced budget will benefit us all. If we want to help taxpayers, we should enact targeted tax breaks such as expanded individual retirement accounts (IRAs). IRAs will provide a tax incentive for savings. We need to increase our national savings rate.

Today, we are debating an amendment to the Constitution. Any time we amend the Constitution it should be done in a serious manner. Amending the Constitution should not be taken lightly. This proposed amendment to the Constitution would require a two-thirds majority for any bill making a change in the revenue laws unless it is ''determined at the time of adoption, in a reasonable manner prescribed by law, not to increase internal revenue by more than a de minimis amount.'' This resolution does nothing but compound our current budget debate.

As a former history teacher, I value the Constitution and I have tried to pass this on to my students. Currently, the Constitution requires a two-thirds majority vote in the House in only three instances—overriding the President's veto, submission of a constitutional amendment to the states, and expelling a Member from the House. These instances differ substantially from the issue before us today.

The proposed Constitutional Amendment is similar to a House rule which was adopted last Congress. The rule required a three-fifth majority for ''carrying a Federal income tax rate increase.'' This rule change was narrower than the proposed Constitutional amendment. The Constitutional Amendment would affect all taxes and would also prohibit revenue increases through eliminating loopholes or other base broadeners.

The experience with the House rule demonstrates the unworkability of the proposed Constitutional Amendment. This rule was narrowed at the beginning of this Congress and the rule is basically meaningless.

The issue of requiring a two-thirds majority is not a new issue. This issue plagued our Founding Fathers. This proposed amendment would gravely weaken the principle of majority rule that has been at the heart of our system for more than 200 years. The Constitutional Convention rejected requiring a super-majority approval for basic functions such as raising taxes. James Madison associated majority rule with ''free government.'' He believed a person whose vote is diluted by super-majority rules is not an equal citizen and his freedom is not fully enjoyed. The arguments of James Madison still hold true today. With the adoption of this amendment, power would be transferred to the minority. A minority would be able to prevent passage of important legislation. Our Founding Fathers recognized the difficulty of operating under a two-thirds majority. The Articles of Confederation required the vote of nine of the thirteen states to raise revenue. We should learn from the wisdom of our Founding Fathers.

The proposed Constitutional Amendment would change how the House currently functions. This amendment would require any bill closing loopholes for deficit reduction to require a two-thirds majority. However, the amendment would permit tax increases on one group of taxpayers to pay for a tax break for another group of preferences.

This proposed amendment would require a two-thirds majority to reinstate funding of the Superfund program. A supermajority would be required to reinstate the trust fund for the airport and safety and improvement program.

Deficit reduction should be our primary focus and this proposed amendment would make it harder to enact deficit reduction. The Coalition Budget which was a responsible balanced budget would require a two-third majority by closing unnecessary tax preferences.

We should take a hard look at the action we are about to take today. Last year the Washington Post ran an editorial entitled ''False Promises.'' This editorial hit the nail on the head. It reminds us that damage done to the Constitution cannot be undone. We simply cannot waive the Constitution.

We should realize that we are elected to make hard decisions. A majority of major legislation passes with less than a two-thirds margin. Our job would be easier here if two-thirds of us could always agree and this is not supposed to be an easy job. We have to make tough decisions which often result in close votes.

Between 1982 and 1993, five bills that raised significant revenue were enacted. President Reagan signed three and the other two were signed by President Bush and President Clinton. All five of these bills did not receive a two-thirds vote on the House Floor.

Raising taxes is never an easy decision. I voted for President Clinton's budget in 1993 and parts of this budget were hard to support enthusiastically. But as a package, it was the right thing to do. President Clinton's budget in 1993 tackled the deficit. In 1992, the deficit was equal to 4.7 percent of the gross domestic product. The deficit will drop to 1.4 percent of GDP. The difference is money available for investment in the private economy.

I cannot predict the future, but based on past precedents, I believe it will be extremely difficult for any President to have a budget pass Congress if this amendment is enacted. So many of us hear the complaints from our constituents about gridlock. This amendment could add to the gridlock. We would not be able to pass the budget deals of the past without a supermajority. We should all know from this year's budget process how difficult this could be.

We will hear today that this amendment is important because it will help reduce our taxes. If we really want to help the American taxpayer we can do better than this legislation today. Our energy should be focused on deficit reduction. This amendment would make deficit reduction more difficult.

We all want to make our tax system more fair and simpler. This amendment will not help reach that goal. We have not studied the effects of this amendment closely enough. The wording of this amendment is not clear and could result in years of litigation. The resolution is not specific enough to address questions such as the length of the budget window or what constitutes a tax or a fee.

I urge you not to support this proposed amendment. We do not know enough about its effects. Just because it is Tax Day, we should not support a Constitutional Amendment that sounds good at first. In reality, this amendment will create numerous problems and will change the concept of majority rule. With this Amendment, we are turning back the clock of history and not moving forward.

Mr. Speaker, what we should be doing here today, according to the Certified Public Accountants of America, is speaking to the 10 big taxpayer headaches that could be cured through a little tax simplification. We could use our time to correct legislation that would make the tax burden easier for the American people.

Number two and three are individual alternative minimum tax and individual capital gains. Democrats on the Ways and Means subcommittee have introduced two bills that would address these important issues.

But let me talk if I can about AMT. The accountants refer to the individual AMT as the ''iceberg on the horizon sneaking up on unsuspecting middle income taxpayers as fast as the Titanic went down.''

The individual AMT is a tax on the individual taxpayer to the extent that the taxpayer's minimum liability exceeds his or her regular tax liability. The AMT imposes a lower marginal rate of tax on a broader base of income. The nonrefundable credits available to an individual to reduce his or her regular tax liability generally may not reduce the individual's minimum tax.

But starting in 1998, individuals who take advantage of that tax credit enacted as part of the Taxpayer Relief Act of 1997 will now have to fill out the complicated AMT form. In 1998, 856,000 people will pay the AMT, and this will increase to 3,000,822 taxpayers in the year 2008.

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The AMT will affect middle-income earners and result in the individual not being able to fully benefit from the new credits. An example would be a married couple with three children, including one in college, with a gross income of $63,000 would be affected by the AMT. This couple is entitled to $2,300 in credits, but $620 of that amount would be disallowed due to the alternative minimum tax.

The gentlewoman from Connecticut (Mrs. KENNELLY) has introduced a good

piece of legislation that would fix that problem. Many of us have spent hours upon hours of filling out schedule D. The Taxpayer Relief Act of 1997 provides for five different rates. An additional tax rate is scheduled to take place in 2001 and another in 2006. The gentleman from Pennsylvania (Mr. COYNE) has introduced a very simplified Capital Gains Tax Act of 1998. This legislation would require a taxpayer to include 60 percent of their total capital distributions on appropriate tax lines.

My argument here today is simply this. The other side knows that this is not going to pass, and they are trying to position Members of this House again in an election year over this issue. Leave the Constitution alone. The Constitution works fine as we have demonstrated with the balanced budget amendment, as we have demonstrated internationally with the demise of the Soviet Union. The rest of the world envies this system and they view it with a great deal of envy. Yet we sit here and come up with gimmicks rather than speaking to the real issues that confront the American citizen every single day, whether in the workplace or in other avenues of their lives. It is time to move on from this gimmickry, Mr. Speaker, and get to the real issues that confront this Nation.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Wisconsin (Mr. NEUMANN).

Mr. NEUMANN. Mr. Speaker, let me begin by commending the gentleman from Texas (Mr. BARTON) on a fine proposal here.

I have been here for about 45 minutes. I finally heard something I absolutely agree with on the other side. The purpose of bringing this bill to the floor today is to position Members officially, those that are for higher taxes, and those who think taxes are too high already. I absolutely agree that that is what this bill will do.

If Members do not support the Tax Limitation Act, they are clearly defining themselves as being a person who is for higher taxes. The reality is this debate is not about what has been discussed here so far, though. This debate is about who knows best how to spend the hard-working people of America's money. That is what this debate is about.

The United States Government right now today collects an average of $6,500 for every man, woman and child in the United States of America. A lot of citizens say, do not worry about me; I do not pay that much in taxes.

If one does something as simple as buy a pair of shoes in a store, and the store owner makes a profit selling that pair of shoes, the store owner then has to turn around, take some of that money, and send it here to Washington. The point is, the United States Government is too big and spends too much of the taxpayers money, and the people in this city want to maintain the power and the ability to even take more out of those paychecks of hard-working Americans, and that is wrong.

Why is it, why is it that that tax rate is so high? We need to understand the thinking in this town. The reason taxes are so high is because the people in this community believe they know how to spend the hard-working people of America's money better than those people themselves know how to spend it. The reason taxes are so high is because spending is so high.

When we got here in 1995, spending was growing at twice the rate of inflation. Think about that. What other family in America, what other institution in America was in a position where they could increase the spending rates at twice the rate of inflation? But that is what government was doing. The only reason we have a balanced budget today, the economy is strong, but the reason we have a balanced budget is because in the face of that strong economy we slowed the growth rate of Washington spending down to the rate of inflation, and one would have thought we were cutting it to ribbons. All we did was slow the growth rate so it was only going up as fast as the rate of inflation, and in this community one would have thought we were cutting it to ribbons.

I rise today to urge in the strongest way I can the support of this amendment to prevent higher taxes in the future.

Mr. SCOTT. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Mr. Speaker, supporters of this resolution, as we have just heard, would like us to believe that this is a debate between those who would raise taxes and those who do not want to raise taxes. But this is a wolf in sheep's clothing, little more than an invitation, instead, to gridlock.

If Members need any evidence of that, just look to my home State to see how giving the power of a majority to a few has resulted in a deadlocked legislature that has been annually unable to govern effectively.

In California, we have a two-thirds rule requirement for passing taxes and budgets. As a result, State government has missed its budget deadline nearly every year. The legislative gridlock is intense, throwing the operation of the State into a crisis mode time and time again.

We had a taste of that kind of deadlock 2 years ago when the President and Congress were unable to see eye to eye on the budget and the government was shut down. I doubt any of us would want to relive that experience every year, least of all the new majority that brought it about.

Passage of this resolution would also thwart any attempts at real tax reform because it would take a two-thirds majority to pass changes in the tax system to make it fairer. The current tax system, laced with loopholes and complexities, would stay on the books forever.

So forget about any ideas for tax simplification because a two-thirds majority would be required. We will be stuck with what we have. Somehow I doubt those pushing this resolution today, as well as those who want a fairer, simpler tax system, would be happy about that.

It is also easy to see why special interests are lined up today to support this resolution. While it would still take only a majority vote to write a loophole to give a tax break to an industry, it would be nearly impossible to repeal it. Why? Because the two-thirds vote would be required.

If the voters are not happy with those who vote for tax increases in the best interests of our Nation, they have ample opportunity to express their opinions every other November. That is the way our democracy works. When George Bush said ''no new taxes'' and did otherwise, a simple majority of New Hampshire's Presidential primary sent him a punishing message. We would not have been able to slash our Federal budget deficit either, if this two-thirds rule had been in effect during the past 10 years.

In 1990, 1993 and 1997, we made tough votes, including one that passed by a single vote, to move this Nation from the $200 billion deficits of the Reagan era to our upcoming budget surplus of over $50 billion. Not one of those measures would have been passed if a two-thirds requirement was in place.

I know we have heard quotes from our Founding Fathers time and time again today about the tyranny of the minority, but the framers of our Constitution, who witnessed the collapse of the Articles of Confederation which required 9 of the 13 States to approve any tax, well understood the danger of the supermajority requirements.

As Madison wrote, ''the minorities might take advantage of it to screen themselves from equitable sacrifices to the general weal, or in particular emergencies, to extort unreasonable indulgences.''

This would be especially so in the Senate, where a third of the Senate represents only 10 percent of the population of this country. They would be in position to kill any legislation. In other words, the State of California—10 percent of the population with but two votes in the Senate, is equal to the smallest States adding up to a third of the Senate; and yet those 17 States could control what would be voted out of that institution, a rampant example of minority power which frustrates the will of the majority and only adds to the existing inequity in the other body.

For example, it would be nearly impossible to pass any tax increase on the tobacco companies because Senators representing the handful of tobacco-growing States with only a few allies could effectively thwart any tax increase. That might be a good example of what some of the advocates of this

proposal bring us today: To hand a small minority veto power over what the majority believes is important to democracy. This amendment ought to be defeated every year in April when it is brought back for political purposes, as it is today.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Woodlands, Texas (Mr. BRADY).

Mr. BRADY. Mr. Speaker, on a radio quiz program that premiered this day back in 1940, America first heard the phrase, ''the 64-dollar question.'' At that time that was pretty good money and a lot of listeners tuned in. Of course, it was just a few years after that that it had grown to the $64,000 question. And then that game was on a roll.

Of course, today we look at State lotteries; it is not unusual to see a $64 million prize handed out. It has gotten ridiculous and taxes have inflated over the years much the same way. And it is our families and our small businesses that are paying the price.

Look at what we do each day. As we get up in the morning, we drink the first cup of coffee, we pay a sales tax on it. Jump in the shower, pay a water tax; get in our car to drive to work, and pay a fuel tax. At work we pay on our income an income tax and the payroll tax; drive home to our house on which we pay a property tax; flick on the lights and pay the electricity tax; hit the TV and pay cable tax; talk on the telephone and pay a franchise tax. On and on and on until at the end of our life we pay a death tax. No wonder it is so hard for families to make ends meet these days. We are taking their dollars and they need to keep more of what they earn. And that is what this amendment is all about.

I have served on the city council, had the privilege of serving in the Texas legislature, and now in Congress. I can tell my colleagues, when revenues go down, government first tries to raise taxes. If that does not work, they borrow. If that does not work, they use accounting tricks. And finally, and only if they are forced to, they will live within their means.

That is what this amendment is all about, forcing the government, who historically has not lived within its means, to start living within its means.

I am proud to be an original cosponsor of this bill and urge its passage.

Mr. SCOTT. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. STENHOLM).

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, I rise in opposition to this resolution. I certainly share the goal of limiting taxes and strongly support reducing taxes. However, I cannot support a fiscally irresponsible proposal that allows us to increase spending with a simple majority, but requires a supermajority to pay for the spending increases that we have already enacted.

I want to start by saying that I have a great deal of respect for my colleague, the gentleman from Texas, who has worked diligently and honorably for years on behalf of this amendment, and I know that the gentleman from Texas (Mr. BARTON) has the highest level of integrity. Having worked with him on several efforts to control spending and bring fiscal responsibility to our government, I know that he advocates this amendment based on a sincere principle, and I respect that.

Unfortunately, I am not sure that everyone advocating this amendment is doing so for the same motivations. This debate today is part of a pattern of fiscal irresponsibility and a fiscally irresponsible legislative agenda of this year.

Two weeks ago we passed a highway bill that increased spending by more than $20 billion beyond the 42-percent increase in highway spending in the budget resolution without saying how we are going to pay for it. Next month, we will vote to sunset the current Tax Code without giving business and other taxpayers any idea of how they should plan for the future. We read about all kinds of promises about what Congress is going to do, but we do not have a budget resolution to show how we are going to pay for it all. If Congress is interested in keeping taxes low, we should focus our energy on controlling spending.

Unfortunately, the Republican leadership seems to be more interested in moving legislation to increase spending than they are in working to control spending. The Concord Coalition, one of the most credible watchdogs of deficit spending, opposes this amendment because it would be detrimental to maintaining a balanced budget, and they are right.

My foremost fiscal concern is that we not mortgage our children's future to pay for today's consumption. Balancing the budget honestly without depending on the Social Security surplus should be our highest priority. Under this amendment, we can increase spending by a majority vote, but would need a two-thirds vote to raise the revenues to pay for the increased spending.

The easy option will be for Congress to increase spending and pay for that by increasing the debt we will leave to our children and grandchildren. Witness the 1980's, if Members do not believe Congress left to its own whims, what we will do. This debate is just a distraction from a meaningful debate on genuine tax reform and budget priorities. If we were serious about helping American taxpayers, we would be doing our work to develop legislation that will actually accomplish something meaningful.

We would have passed a budget resolution to establish a road map to show how we are going on control spending and maintain a balanced budget. We would have passed IRS reform legislation to ensure that the important protections in this bill were available when Americans filed their tax returns this year. We would be conducting serious hearings to carefully examine the various options for tax reform. I am anxious to begin work on tax reform.

I thought we were supposed to start work on tax reform before the Presidential election in 1996. We have been talking about tax reform for almost 3 years now, but have not even begun to do any serious work in committees to bring legislation forward.

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I am a lot more interested in working to pass meaningful IRS reform and tax reform legislation that would do a lot more for American taxpayers instead of spending time debating amendments that are going nowhere.

Saying that a simple majority can increase spending but a two-thirds vote is necessary to pay for it is irresponsible. The truly conservative and responsible position is to protect future generations from having to bear the burden of our irresponsibility today. Vote responsibly. Oppose this amendment.

The SPEAKER pro tempore (Mr. SNOWBARGER). The Chair would advise the Members that the gentleman from Virginia (Mr. SCOTT) controls 10½ minutes and the gentleman from Texas (Mr. BARTON) controls 17 minutes.

Mr. BARTON of Texas. Mr. Speaker, I yield 1½ long minutes to the gentleman from North Carolina (Mr. COBLE), the distinguished chairman, a member of the Committee on the Judiciary.

Mr. COBLE. Mr. Speaker, one issue distinguishing the two major political parties is a five-letter word, ''taxes.''

Now, I am not suggesting that all Democrats favor high taxes nor that all Republicans favor low taxes. There are exceptions to every rule. But I am suggesting that the philosophy of the two major parties is clear and that it is genuinely recognized from sea to sea, from border to border, that the Republican Party is generally the party that advocates low taxes, that the Republican Party is the party that generally advocates and permits workers to retain more of their earnings.

We talked for a long time about estate tax reform, capital gains tax reform. ''Oh, we can't do that. It costs too much money on collections.'' In fact, some of my Democrat friends about 5 or 6 or 7 years ago wanted to lower the exemption threshold on estate taxes from $600,000 to $200,000.

Well, we have raised it, raised the exemption. We have delayed the call of the tax man knocking on the door at the estate's house collecting the tax. We advocate low taxes.

What I am saying, Mr. Speaker, is that perhaps the bar in raising taxes of a simple majority may be too low. Let us raise that bar and make it a little more difficult and a little more challenging to negotiate in the resulting tax increase. Make it tougher.

I advocate the resolution that the gentleman from Texas (Mr. BARTON) is promoting and urge my colleagues to do likewise.

Mr. SCOTT. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. MILLER).

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I rise in opposition to the resolution.

Two things about today's tax bill are important to note:

First, it is a waste of time, and therefore—ironically—a waste of taxpayer's money.

And second, it is a diversionary tactic, intended to distract the public's attention away from the fact that the Republican leaders have stifled action on issues that most American families really want, like: Protecting thousands of teenagers and pre-adolescents from predatory practices of cigarette companies; passing a bill to protect the rights of patients unfairly treated by their HMOs and insurance companies; and enacting real campaign finance reform to reduce the influence of special interest money in politics.

Instead, because it does not want to act on any of these critical issues, the Republican leadership is running out the legislative clock by bringing to the floor a bill that has failed time and time again.

This proposal failed in 1996. It got even fewer votes when it was brought up in 1997. And the Republicans know full well that it will fail again today.

Today, ladies and gentlemen, you are witnessing a show. But shows belong in the theater, not on the floor of the People's House.

If Republicans had really wanted to get something done for taxpayers, they would have already sent the bipartisan IRS reform bill to the President for his signature.

The reason today's bill has failed in the past, and the reason it will fail again today, is that it is bad legislation.

Despite what you are being told, this bill would do very little to help, and a lot more to hurt, the average taxpayer.

In fact, this legislation is custom-made to perpetuate some of the most egregious inequities in the current tax system and to frustrate efforts at real reform, all at the expense of the American taxpayer.

This bill would effectively prevent any tax reform which would close tax loopholes for corporations and special interests.

It would make it virtually impossible to pass comprehensive tobacco legislation like the bipartisan bill developed by Senator MCCAIN.

It would cripple the ability of the government to act during national crises.

And it could saddle America with financial disaster by foreclosing any revenue increases to deal with future deficits.

This bill is yet another effort by this Republican leadership to further restrict the democratic process in the House of Representatives and to prevent a majority of Members from exercising its will. Under this bill, all it would take is one-third of members to block real tax reform or to block a tobacco settlement.

I congratulate my colleagues in advance for their resolve in standing up to the Republican leadership and voting against this legislation.

Mr. SCOTT. Mr. Speaker, I advise the gentleman from Texas (Mr. BARTON) that we have two speakers left; and if he has more than that, we would prefer that he go at this point.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Speaker, I rise to speak in favor of the tax limitation amendment.

It has amazed me today to listen to the opponents of this amendment call it undemocratic. I can think of nothing more democratic than doing what the majority of the American people want to have done. And the American people want this amendment. We have seen it in poll after poll. The latest polls show that, 3-to-1, people in this country favor this amendment, support for it is so strong, that a growing number of States are now requiring supermajorities in their own legislatures to raise taxes.

My colleagues, let us cut to the bottom line. This is not about democracy. It is about the fear some Members have of losing power, the power to increase the tax burden on the American people with a slim majority. We can see why some Members are afraid of losing that power when we see how often Congress has exercised that power in the past, usually unwisely.

In recent decades, Congress has raised taxes time and time again. Until today, working Americans struggle under the heaviest tax burden they have carried in the last 50 years. At the same time we have that shocking tax burden, we have a revenue surplus that is now predicted to swell annually for the next several years. Why? Because President Clinton acted too hastily when he asked for the largest tax hike in history 5 years ago and the Democratic-controlled Congress acted unnecessarily when it gave it to him by the slimmest of majorities, one vote.

For the last 5 years, working Americans have paid the price for that haste and imprudence. With this amendment, that would never have happened and it could never happen again. This amendment simply says that Congress must have a strong enough, compelling enough reason to raise taxes, a reason that is so sound it persuades two-thirds of the Congress. My colleagues, if there ever was time for this amendment, that time is now.

Mr. SCOTT. Mr. Speaker, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON), and we will have two speakers after that.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this must be an election year or something. The Republican majority this year fancies itself a constitutional convention, so many constitutional amendments have come forward.

The framers gave us a flawed document, but this was not the flaw in it. Why is two-thirds so rare in the Constitution for a presidential veto, for a constitutional amendment and for expulsion of a Member? Because the framers were democrats. They reserved minority power for fundamental rights only, not for everyday business of the House.

This amendment would create a field day for lawyers: the ''de minimis'' language in the amendment, for example ''De minimis'' in relationship to what?

Who is the majority afraid of? They control the House. Are they afraid they will raise taxes, like taxes on tobacco, for example, to save the lives of children?

We are not smarter than the framers. I like the framework they gave us. Let's keep it.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KASICH), the distinguished chairman of the Committee on the Budget.

Mr. KASICH. Mr. Speaker, I was on the road within the last month and I happened to be at a Holiday Inn. I changed my clothes, and I was getting ready to leave the Holiday Inn, and I walked past the door where there was a family. It kind of took me back to my youth. Remember when we used to go on vacation as a kid? We would spend the first 24 hours arguing about where we were going to stay and then the next 12 hours arguing about the fact that we did not stay at the right place.

I looked inside the hotel room, and there was mom and dad and the kids. And I say to Members of the House, like many of them in the gallery here today, and there was grandma and grandpa. Then I looked inside the room real quickly, because I kind of thought I saw myself there for just a minute thinking about my childhood. And there was mom and dad taking lunch meat and making sandwiches for all the people in that room.

I knew the kids were going to go in that little swimming pool in that Holiday Inn, and they were going to have some of the greatest times bonding as a family, understanding each other's love and caring, which we all need more of in this world.

When I looked in the room of that hotel, do my colleagues know what struck me and what touched my heart? Would it not be great if that family had more, would it not be great if that family could take that trip more than once a year, and would it not be great if that family could, instead of having to take the lunch meat and make the sandwiches, maybe that night they would get to go to McDonald's and they can get the quarter-pounder and extra large fries.

There are so many people in this Chamber today smiling about that story because there are so many people in this Chamber today that live that life. And this proposal is designed to say to the government officials and the politicians, ''You are not going to get into the people's budgets anymore to make the government budget bigger and the family budget smaller.''

Why do we want to lock in two-thirds? Because we think there is a crisis in the family in America today. We are not going to solve the problems of violence in our schools with another cop in the school yard. We are going to solve it with love and support and rebuilding or families.

So I want to compliment the gentleman today; and I think every Member ought to come to this floor and say that if the government at some point decides it has to take more power from families, they ought to have a large percentage of this House that goes along.

Frankly, tax cuts are not about economic theory. They are about personal power. And the more that moms and dads have in their hands, the better off their children are, the better off their communities are, the better off all the American people are. So that is why we think this is such an important issue.

I ask my colleagues not just to vote for this amendment to help that family in that Holiday Inn that I saw, but why do they not exercise a little self-interest and help their children and the children of their constituents so that family budgets get bigger, so that families are more powerful, that we have more love and peace in this country?

That is what this is really all about, not economic theory. Although that is a part of it, not economic theory. It is about the stuff of life and about the stuff of caring.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentlewoman from Wyoming (Mrs. CUBIN), who represents the entire State.

Mrs. CUBIN. Mr. Speaker, I rise in strong support of this resolution.

There is one fact that Americans must always bear in mind: The government spends their money because it does not have any money of its own to spend, period. It is their money when they earn it. It is their money when it is taken out of their paycheck before they ever see it. And it is still their money when the government spends it. And when it is their money that is spent, the government ought to be more accountable to them.

Do my colleagues know what we have done with the spending habits in this government? The average American family pays 40 percent of their income in taxes. What that means is we have stolen the choice of many of our young families as to whether or not one parent will stay home and raise the children and the other one go to work to support the family.

Now, as it is, one has to support the family and the other one works full-time to support the government. That means that they cannot be the room mother, they cannot stay home to take care of their ailing elderly parents, they have to work because they have to feed the government.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. RILEY), in hope that he would talk fast.

Mr. RILEY. Mr. Speaker, I rise today in strong support of the American taxpayer and in support of the tax limitation amendment.

This Congress, more than any other, has given the American people much-needed tax relief. But there is still a lot we must do. Taxes is still too high. The Tax Code is still too complicated.

Seventy-nine percent of the American people believe that it is far too easy for Congress to raise their taxes. Mr. Speaker, I agree with them.

Four out of the last five major tax increases passed Congress with less than a two-thirds majority. In my book, it should be much more difficult for this government to confiscate an even bigger chunk of the family's income. The time to turn this trend around has come. The tax limitation amendment will do just that.

Once again, we have heard from the naysayers and the doomsdayers who fear that the sky will fall if this tax limitation amendment is enacted. They say that a supermajority requirement will make it too difficult to raise taxes for their feel-good social policies. They are rightfully concerned, Mr. Speaker.

The tax limitation amendment will indeed make it tougher for Congress to raise taxes. That is exactly why I support it.

This year the average American family will work until approximately mid-May to earn enough income to pay an entire year's worth of taxes. Factor in local and state taxes, and U.S. taxpayers will spend more time working for the government than they will for their own families. Mr. Speaker, that is wrong.

This amendment will once and for all give Congress the needed discipline to hold the line on taxes. It will require a two-thirds supermajority vote in both Houses of Congress before any tax increase can be passed.

The American people know how to spend their hard earned income better than we do. It is time we let them keep more of it.

The SPEAKER pro tempore. The Chair would advise the Members that the gentleman from Texas (Mr. BARTON) has 8½ minutes remaining and the gentleman from Virginia (Mr. SCOTT) controls 9½ minutes.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I am wiping the tears from my eyes from the touching Holiday Inn story of the gentleman from Ohio (Mr. KASICH), where he peeked into the door and saw himself with this family.

And I just want him to know, wherever he is, that if that family had gotten a fair and honest campaign financing system that the Speaker of the House continues to bottle up, they would have more money. If that family in the Holiday Inn that he peeked in on was relying on Medicare or Social Security, they would oppose the amendment because it threatens their viability. If that family relied on a minimum wage, they would be hurt by this Republican Congress that does not want to raise the minimum wage.

□ 1445

If for all of the Republicans that claim that they are for lower taxes but for really huge tax loopholes, they would realize how fraudulent this measure is. It really takes some acting to pull this off every April around tax time. The same people who are willing to throw out and undercut the cornerstone of our democracy majority rule to let this repose in a small and a controlled system, reversing the principles of James Madison. I think that this is outrageous that we would permanently enshrine $450 billion corporate and tax loopholes in an amendment like this.

Ladies and gentlemen, I call on you this year, I called on you last year, I called on you the year before, reject this foolishness that demeans the House of Representatives.

Mr. BARTON of Texas. Mr. Speaker, it is my distinct pleasure and high honor to yield 4 minutes to the honorable gentleman from Rockwell, Texas (Mr. HALL), the chief Democratic sponsor of the tax limitation amendment. He has done an outstanding job on his side of the aisle in pushing this very necessary constitutional amendment.

Mr. HALL of Texas. Mr. Speaker, I stand here of course today with my colleagues to show my support for the tax limitation amendment. I have no ill will toward anyone on either side. It is an issue that reasonable men and women can differ. It is not a situation where a double handful of Republicans or just a few of us Democrats are for tax limitation. There are a lot of us that are for it. Last time, it got 170, 180 or 190 votes. That is not just a double handful of people. That is a ground swell, and it is a beginning.

We may not pass it this time. It has been said by my friend, the gentleman from Michigan (Mr. CONYERS), who is truly my friend, and he expresses his own thoughts on behalf of his own district and does it very well. I have to do the same thing. I can do it without rancor. I can do it without calling anybody names or anything. I just think that it makes sense to make it a little tougher to put taxes on anyone, to pass any more taxes.

Along the way to passing something like this, I think this will pass. It may not pass. As several speakers have said, it may not pass today, but it will pass in time and, along the way, good men and good women will differ.

It has been my privilege to work for this measure for the past 3 years with the gentleman from Texas (Mr. BARTON) and, of course, with the gentleman from Arizona (Mr. SHADEGG) and the gentleman from New Jersey (Mr. ANDREWS) and others.

The gentleman from Texas (Mr. BARTON) and I share the representation of probably two of the most conservative areas in the State of Texas. But that does not mean that they have a corner on the market of being smart or knowing how we tax people or how we should not tax people. They are simply fiscally conservative districts, and

they think we ought to have a tax limitation amendment.

It will be a very responsible tool for providing continued budgetary discipline for those deserving constituents that we are standing here representing.

The premise behind the tax limitation amendment is simple, but it is very powerful. The Constitution would simply be amended to permanently reflect current House rules which were implemented in response to a past record of a lot of pork barrel spending. There is no question about that.

Look at the transportation bill we just passed. We just passed a balanced budget amendment and then passed a bill with an increase of 45 or 48 percent increase over the last budget, busts the budget by $20 billion or $30 billion. I think we just have to be sensible about it.

I think, also, it has been said that we cannot look into the future. One of the speakers over here who opposes this says we cannot look into the future. We may have more problems for Medicare and Medicaid. He is exactly right.

Henry Ford in 1913 thought he had the only assembly line that was ever going to be worth 15 cents. It happened so that same year they passed the IRS bill, the very first. And they could not look into the future, because they said it was temporary. It is a page and a half.

We will pass tax limitation. It is going to take some time. It took 15 or 20 years to get a balanced budget amendment, but it happened. It took 10 or 12 years to pass the Telecommunications Act, but it happened because good people kept pressing, good people kept pushing.

We are in the tenth or twelfth year on record to try to reauthorize the superfund legislation, but it is going to happen because it ought to happen. And I think so with the tax limitation, not for the rich, but for the working, for people who are working for money, have to buy school clothes in September, people who have to make payments on cars. They ought not to have their taxes passed on to them without having some say in it.

We are not taking that say away from anybody today. We are passing it on to the 50 States. They get last guess at whether or not this amendment ought to pass. Are we afraid of their decision? I think not.

I ask each Member of this Congress, maybe not today but before we vote again on it, for it or against it next year, and, yes, on tax day is a good day because people are very interested in taxes on April the 15th, walk out into your district and talk to the first 10 people you see. Do not handpick them and do not have a poll that you like. Walk out there and talk to the first 10 people that are having to pay taxes, no matter what their station in life is, no matter how far they are. Ask them if they are for making it a little more difficult to put taxes on their poor old backs. I think 9 out of 10 will tell you they are for the limitation tax bill, and so am I.

Mr. BARTON of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SOLOMON), the Chairman of the Committee on Rules.

(Mr. SOLOMON asked and was given permission to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, I rise to associate my remarks with a good Democrat, the gentleman from Texas (Mr. HALL) and another good Republican, the gentleman from Texas (Mr. BARTON). Thank you for bringing this bill before us.

Mr. Speaker, I rise in support of this amendment to the Constitution of the United States to require a two-thirds vote to increase taxes.

This Congress needs to act to limit taxes. Our current tax system takes so much out of the take home pay of the average family that it is difficult to pay the rest of the bills.

We talk about the need to preserve families and family values, but then government takes away more and more, leaving families with less and less.

This tax limitation amendment is designed to make it more difficult for the Federal Government to take more of the people's money.

It will require the Congress to focus on options other than raising taxes to manage the Federal budget.

Some on the other side of this issue have argued that a requirement for a two-thirds vote to increase taxes is somehow undemocratic.

But the truth is that there are already numerous supermajority voting requirements.

For over a century and a half the House has required a two-thirds vote to suspend the rules and pass legislation. It requires a two-thirds vote to take up a rule on the same day that it is reported from the Rules Committee. The House also requires a three-fifths vote to pass bills on the Corrections Calendar.

On the other side of this building, the Senate requires a three-fifths vote of all Senators to end a filibuster.

Senate budget procedures require that three-fifths of the Senate must agree to waive points of order that would violate the budget approved by Congress.

There are ten instances in which the Constitution currently requires a supermajority vote. Seven of these were part of the original Constitution, and three were added through the amendment process.

The seven in the original Constitution are:

(1) Conviction in impeachment trials;

(2) Expulsion of a Member of Congress;

(3) Override a presidential veto;

(4) Quorum of two-thirds of the states to elect the President;

(5) Consent to a treaty;

(6) Proposing constitutional amendments; and

(7) State ratification of the original Constitution.

The three additional supermajority requirements included in the amendments to the Constitution are:

(1) Quorum of two-thirds of the states to elect the President and the Vice President;

(2) To remove disability for holding office where one has engaged in ''insurrection or rebellion''; and

(3) Presidential disability.

It is no doubt important to require a two-thirds vote to remove the disability for holding office where one has engaged in ''insurrection or rebellion''. But it seems to me that increasing the burdens of taxation on our own citizens is a much more important decision in the life of this nation.

The adoption of a requirement for a two-thirds vote to raise taxes will ensure Congress has to think twice before it increases the burdens on hardworking American families. Members should vote for this rule and the constitutional amendment to make it harder to raise taxes.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in opposition to the resolution. The Constitution does not need to be fixed. If it is not broken, it does not need fixing.

Mr. Speaker, I rise today in strong opposition to House Joint Resolution 111, a constitutional amendment that would require a two-thirds majority vote in the U.S. House of Representatives and U.S. Senate to pass any bill increasing federal taxes, except in time of war or military conflict.

Mr. Speaker, I oppose this bill for many reasons, but the fundamental reason is the change in our tradition of majority rule which has governed our country, with limited exceptions, for the past two centuries. Over the years I have seen our system of checks and balances work to the benefit of the American people time and time again. When Congress gets out of sync with the American people, the people elect new Senators and Members of Congress. When the views of the public change more than those of the Members of Congress, we see more significant changes in the membership of the two Houses of Congress. These larger changes take place because individual voters take their right to vote seriously, and vote for individuals who represent their interests.

This system has worked well for over 200 years. Today, H.J. Res. 111 proposes to alter this system and give to one-third of the Members of either House of Congress the power to prevent Congress from increasing revenue collected by the government. Why is this being proposed? Supporters of this resolution say it is too easy to raise taxes. I find that difficult to accept. While I cannot vote on the floor of this House, I generally find consideration of legislation which will raise taxes difficult enough just to support, let alone vote for.

Our voting records are all reviewed carefully by our opponents at election time, and votes which are perceived to be unpopular back home are brought to the public's attention over and over again through political advertising. Votes to increase taxes are difficult votes, but there are times when it is in the national interest to do so. Traditionally, it has been the majority of the Members of Congress, together with the President, who determine what is in the national interest. H.J. Res. 111 would permit one-third of either House of Congress to make that decision for what could be the vast majority of Congress. For example, thirty-four Senators could subvert the wishes of 435

Members of the House and 66 Senators. This is an important point because the Constitution gives the power to originate tax measures to this body, the U.S. House of Representatives. Under the terms of H.J. Res. 111, the will of a vast majority of this body could be thwarted by 34 Senators. Mr. Speaker, this is not democracy and should not be supported.

There are many examples of the problems the proposed constitutional amendment would create, and I want to take a moment to briefly mention a couple. For example, would a provision that reduces revenues for five years but would raise them every year after that be prohibited? Are we to be stuck with current tax rates on the rich? Are those to be the maximum tax rates forever? Currently, the poor pay no federal income taxes. Are we to be stuck with the tax rate of zero percent for them forever? Under the terms of H.J. Res. 111, I submit we would be, because it will be very difficult to get two-thirds of both Houses of Congress and the President of the United States to sign a bill which would change those rates.

There is also the issue of tax loopholes. It is hard enough under current law to end these provisions which inure to the benefit of special interest groups. Let us not make it any harder.

Mr. Speaker, we are all up for re-election every two years. That alone is a strong enough disincentive to raise taxes only when it is in our national interest to do so. The voters are the check in our current system and the current system is working well. Under the current system, majority rules. Under H.J. Res. 111, the minority rules. Let's not change the Constitution to give this significant power to a minority of Congress.

Mr. SCOTT. Mr. Speaker, I yield the balance of the time to the gentleman from Michigan (Mr. BONIOR), the Minority Whip.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 7½ minutes.

Mr. BONIOR. Mr. Speaker, I thank my friend for yielding to me, and I appreciate the debate that we have had this afternoon.

This amendment would rewrite the Constitution to say that the tail should wag the dog. How else would you describe an amendment that empowers a minority of the Congress to dictate policy to the majority? How else can you describe an amendment that effectively denies a majority of Americans a voice on their own taxes? That is what the amendment would do.

But it is only one of 99 constitutional amendments that have been proposed in this Congress. So were Jefferson and Madison and the other framers of the Constitution so negligent that our Constitution actually needs 99 amendments? Are members of the 105th Congress so wise that we can propose 99 improvements to one of the greatest documents in the history of democracy?

America needs tax reform. We agree on that. But we do not need a constitutional amendment that would protect special interest loopholes.

Now, this proposal that we have been discussing today might as well be called a loophole protection act, because it will make it nearly impossible to eliminate tax loopholes that cost, every day, American taxpayers billions of dollars, like the tax breaks that companies that send American jobs overseas would get.

Or do you remember the bill we had just last Congress that would reward billionaires who renounce their American citizenship just to avoid taxes? That would be protected under this proposal. You would need supermajorities to deal with that, to repeal those benefits.

We have seen this proposal before. We voted it down in 1996. We defeated it again just last year. Bad ideas, like rotten fish, do not improve with age. This amendment is just one of a whole series of bad tax proposals the Republicans have put forward lately.

It is almost as bad as their plan to enact the national sales plan. They have a plan, listen to this, that would effectively force Americans to pay 30 percent more for a house, 30 percent more for a car, 30 percent more for your child's education, 30 percent more for everything. It's their sales tax proposal.

Under this plan, the heaviest burden, of course, would fall on those who could least afford it, working families, senior citizens, those on fixed income. They need tax relief, not what these folks are offering over here in the GOP.

What if the price of prescription drugs went up 30 percent overnight? Look at this chart: blood pressure, arthritis, diabetes, heart disease, inhaler drugs priced at a 30 percent increase on these basic commodities oftentimes used by our seniors. How would that affect them? How would it affect our mothers and our fathers and our grandparents who are living on a budget that is tight? How could they afford this 30 percent GOP tax increase?

The flat tax is another idea that they have, the GOP flat tax. If you are a middle-class family making between $25,000 and $100,000 a year, the GOP flat tax would actually mean a tax increase for you, a tax increase for you. If you make over $100,000 a year, as this chart shows, you would get a tremendous tax break. If you make between $25,000 and $100,000, you are paying.

So our message is that working families need tax relief, not a tax increase. Let us leave the Constitution alone. Let us defeat this ill-conceived amendment.

We are for tax cuts. I believe those cuts must be a part of a fair and a reasonable approach to tax reform, tax reform that genuinely helps America's working families. Like the education tax credit we recently adopted that would provide Hope scholarships and other types of tax credits and scholarships for higher education, make education more affordable for our families. Like the child care tax credit that makes raising families a little bit easier. Like the earned income tax credit that helps literally tens of millions of people in this country, those were Democratic proposals that help people specifically. And like, of course, the tax credit that we are suggesting this Congress that would help in child care for our families.

This kind of tax relief makes sense. It makes a difference in people's lives. We ought to focus on that, not on half-baked constitutional ideas that would take away from the majority the right to control, to have a say in the tax policies of this country.

I urge my colleagues to vote no on this proposal.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Texas (Mr. BARTON) is recognized for 4½ minutes.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, first, I want to commend the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. SCOTT) for the tone of the debate. I thought we had a good debate this year, and I appreciate your participation. I want to thank the gentleman from Texas (Mr. HALL), my chief Democratic sponsor, along with the gentleman from New Jersey (Mr. ANDREWS) for his efforts.

Mr. Speaker, the first Federal income tax that was levied on the American people was 1 percent of any net income over $3,000. Today, the average American taxpayer pays 39.8 percent in Federal and State taxes. That is an all-time high with the exception of World War II when we were fighting to maintain democracy against Naziism and imperialism of the empire of Japan.

Simply put, something needs to be done about that. We need a tax limitation amendment to the Constitution of the United States of America. When the original Constitution was written by our Founding Fathers, they made it unconstitutional to have an income tax. Unconstitutional. You could have had a 100 percent vote, and there would be no income tax because it was unconstitutional.

But the sixteenth amendment to the Constitution, which was passed in 1913, made income taxes constitutional. So we need a ⅔ vote to raise taxes, Federal taxes on the American people.

The question is, would it work? That is a fair question. We have not had anybody who opposes it say that it would not work. They are opposed to it for the reason that it would work.

There are 14 States that have requirements for supermajorities to raise taxes. And in those 14 States, their taxes are lower, their taxes go up slower, their economies grow faster, and more jobs are created than States that do not. So if it works in the States, I think it would work here in the Federal Government.

Is it supported by the American people? I will enter into the RECORD an endorsement letter from the American

Legislative Exchange Counsel which is 3,000 legislators on a bipartisan basis around this country, endorsing the tax limitation amendment. The signer of this is the Speaker of the Arkansas House, a Democrat, Bobby Hogue. So the State legislators support it and think that it would work.

Mr. Speaker, I include that letter for the RECORD as follows:

AMERICAN LEGISLATIVE
EXCHANGE COUNSEL,
Washington, DC, April 17, 1998.

Congressman JOE BARTON,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN BARTON: The 3,000 state legislators who are members of the American Legislative Exchange Council (ALEC), the nation's largest bipartisan membership organization of state legislators, would like to voice their support of a federal amendment requiring a two-thirds supermajority vote in each chamber of Congress to pass any bill that would increase taxes.

The federal tax burden is at a record high. This year the average American family will spend more than 38 percent of their total income on federal, state and local taxes. More than they will spend on food, clothing, shelter and medical expenses combined. Tax increases fuel excessive government spending and smother economic growth and job creation. Thus, any increase in the tax burden should require a broad consensus. Taking money from hard working Americans should not be an easy task for the tax and spend politicians. A supermajority requirement would make tax hikes more difficult and shift the debate from tax increases to spending cuts.

Fourteen states already require a supermajority to raise taxes. These states have demonstrated faster economic growth, higher employment growth and experienced slower tax and spending increases, than the states without a supermajority requirement. A supermajority amendment would constrain tax and spend policies that squash economic opportunities for American families.

Congress has a momentous opportunity to provide a brighter, more prosperous future for this great nation. The states have shown the benefits of a supermajority requirement, now it is time to apply this experience to the federal government.

Sincerely,

SPEAKER BOBBY HOGUE,
Arkansas, National Chairman.

We have over 27 national groups that have endorsed the tax limitation constitutional amendment. I will enter that into the Record at this point in time.

The document referred to is as follows:

SUPPORTERS OF H.J. RES. 111, THE TAX LIMITATION AMENDMENT

Association of Concerned Taxpayers; American Conservative Union; American Legislative Exchange Council; Americans for Hope, Growth & Opportunity; Americans for Tax Reform; Associated Builders & Contractors; Christian Coalition; Citizens for a Sound Economy; Competitive Enterprise Institute; Concerned Woman for America; Council for Affordable Health Insurance; Council for Citizens Against Government Waste; Empower America; Family Research Council; Food Distributors International; National Association of Manufacturers; National Association of Wholesaler-Distributors; National Beer Wholesalers Association; National Federation of American-Hungarians; National Federation of Independent Business; National Tax Limitation Committee; National Taxpayers Union; Seniors Coalition; Small Business Survival Committee; United Seniors Association; U.S. Chamber of Commerce; and 60 Plus

We have 10 groups that have keyvoted it, saying it is something that they have really taken a look at: the U.S. Chamber of Commerce, the Americans for Tax Reform, the Citizens for a Sound Economy, the National Taxpayers Union, the National Association of Manufacturers, 60 Plus, Seniors Coalition, Associated Builders and Contractors, National Beer Wholesalers.

We have got 10 governors who think it will work. I will enter their names in the Record, and they support it.

The document referred to follows:

KEY POINTS ON H.J. RES. 111, THE TAX LIMITATION AMENDMENT

Highest cosponsor total ever—186.

27 diverse groups from pro-business to pro-family have endorsed TLA (See attached endorsement list).

Keyvote by: U.S. Chamber of Commerce; Americans for Tax Reform; Citizens for a Sound Economy; National Taxpayers Union; National Association of Manufacturers; 60 Plus; Seniors Coalition; Associated Builders and Contractors; and National Beer Wholesalers.

Have received encouragement/endorsement letters from the following Governors: Governor Christine Todd Whitman (NJ); Governor Mike Huckabee (AR); Governor Paul Cellucci (MA); Governor Frank Keating (OK); Governor Pete Wilson (CA); Governor Jane Dee Hull (AZ); Governor Kirk Fordice (MS); and Lt. Governor Bob Peeler (SC).

But the reason that I am here on the floor of the House of Representatives supporting this as strongly as I am is not because of all the groups that are for it, it is not because all of my colleagues are for it, it is because it is in the best interest of my family.

Nell Barton, retiree, widow on Social Security and teacher retirement, had to write a check for over $1,000 to pay her Federal income taxes 2 weeks ago. My son, Brad Barton, has graduated from graduate school, going into the job market; my daughter, Allison, just graduated from college, wants to be a teacher; my wife, Janet, who has been a homemaker while we have raised our children, wants to go back into the job market.

□ 1500

I do not want their taxes to go up, I am sorry. Our problem in Washington, D.C., is not lack of revenue. Do my colleagues know how much revenue increased from last year to this year at the Federal level? $126 billion. $126 billion. Do my colleagues know what the average is for the last 4 years? $106 billion. Do my colleagues know what the average is for the last 10 years? Over $60 billion.

My colleagues, our problem is not lack of revenue. Our problem is lack of spending discipline.

As the chairman of the Committee on the Budget, the gentleman from Ohio (Mr. KASICH), pointed out about 15 minutes ago, we need to make it tougher to raise taxes. Let us vote for a two-thirds constitutional requirement to raise taxes, send it to the other body, send it to the States, and hopefully three-fourths of the legislatures will ratify it and it will become a part of the Constitution of the United States of America.

Mr. Speaker, it is time to stop debating. It is time to vote to make it tougher to raise taxes.

Vote for the constitutional amendment.

Ms. PELOSI. Mr. Speaker, I rise in opposition to the tax limitation amendment to the Constitution. Mr. Speaker, this amendment is not appropriately named. A more accurate title would be the "Minority Rules Amendment,'' because it would require a two-thirds majority vote in the House and Senate to pass any bill increasing Federal revenues.

What we are debating here today is not whether taxes should be raised or lowered, but whether the majority of the House of Representatives should be empowered to make the tough decisions on one of the most important areas of governmental operation. The effects of the legislation before us would go far beyond debates on personal tax rates—this legislation would impose dangerous limits on our ability to address the health and social welfare needs of millions of Americans.

Some of the most critical areas of policy that this House will consider in the near future will involve debates about taxation, including tobacco control, Medicare, and Social Security.

On the issue of tobacco, we have research showing that price increases can be effective at reducing teen smoking—the most important aspect of tobacco legislation being considered this year.

Passage of the constitutional amendment before us would undermine our ability to enact legislation which puts this research to work, by making it more difficult to impose tax increases on tobacco products. It would mean that we cannot equally and fairly consider the range of options available to limit tobacco use among young people. Why should a minority of Members be empowered to proscribe our consideration of the options to reduce teen smoking?

On Social Security, there are numerous proposals being offered to secure the financial health of the trust fund for decades to come. And there are few issues more important to our constituents than protecting the stability of the social Security system. If we pass the legislation before us today, one potential ingredient of a comprehensive plan to support Social Security will become far more difficult to enact. I ask again, why should a minority of Members be able to stop congressional action in this area?

The point is not to make taxation easier. None of us want to do that. The point is maintain the principle of majority rule on essential matters before the Congress. It is to recognize that on the key issues before this House, we must take responsibility to act thoughtfully and wisely. The issue of taxation has implications for our ability to promote public health, lift seniors out of poverty, and address other national priorities. We must not abandon majority rule and limit our ability to fairly and honestly consider policy on these and other critical issues.

Mr. CARDIN. Mr. Speaker, I rise in opposition to H.J. Res. 111.

This joint resolution would eviscerate the principle of majority rule in this House with respect to the most fundamental power of the Congress. Article I, Section 8 of the Constitution enumerates the powers of the Congress. It begins with the words, ''The Congress shall have Power to lay and collect Taxes.''

Those words make clear the view of the Founders of the Constitution that the power to tax is the most basic power of the legislative branch of government. The men who wrote the Constitution were acutely aware of the dangers of the government's power to tax. Their anger and frustration over the taxing practices of the British government led to the American Revolution.

The framers of the Constitution also were familiar with the use of supermajority requirements. The Constitution reserves supermajorities to instances involving the fundamental processes of government, not substantive policy proposals. The House is required to produce a supermajority in only three cases—overriding a presidential veto, submitting a constitutional amendment to the states, and expulsion of a member from the House.

What is clear is that the American people are disgusted with our federal tax system. What is also clear is that the problem with the tax system in this country is not found in the Constitution. It is found in this Congress. Instead of tax reform, we continue to add complexity and confusion to a tax code that is already beyond comprehension for most Americans. We need tax reform, not constitutional gimmickry.

The fact is that this proposal is unworkable. The evidence of this is in the record of the majority party in this House. In January of 1995, fresh upon taking control of the House for the first time in forty years, the new majority amended the rules of this House to require a three-fifths majority to pass any tax increase.

During the 104th Congress, the rule came into play on five occasions. And each time, five out of five, the majority chose to waive the rule. At the start of this Congress, having learned from that embarrassing experience, the majority narrowed the rule to make it unlikely it will ever apply to any legislation.

Imagine the crisis that might have ensured had this constitutional amendment been in effect instead of the provision amending the rules of the House. Instead of simply having the Rules Committee waive the rule to permit the legislative process to function, we would have had a potential constitutional crisis. The last thing this country needs is to have the legislative process bogged down in extended court battles every time a revenue increase is included in any legislation.

Let me emphasize this problem. The vagueness of this amendment is a constitutional shipwreck waiting to happen. Most members of this body, and the overwhelming majority of the American people, agree on the need for comprehensive reform of our tax system. Under this amendment, however, tax reform—already facing an uphill political battle—will become all but impossible.

Tax reform will involve tremendous shifts in the ways the federal government collects revenues. As a supporter of a plan to move from the current tax system to a fairer, more simple, more efficient system based on a broad-based consumption tax, I am committed to the principle that tax reform must be accomplished on a revenue neutral basis.

But in tax reform, there will be winners and losers. If the constitution says that revenue increases must be approved by a two-thirds majority, the losers in tax reform will be sure to pursue the matter in court. The resulting delay and confusion will make it even more difficult to give the American people the tax reform they deserve.

Let me make one final point. The sponsors of this proposal argue that it is needed because without it, it is just too easy to raise taxes. Respectfully, that is a ridiculous notion. It is not easy to raise taxes. It has never been easy to raise taxes. It never should be, and it never will be.

Consider the 1993 tax bill, which the supporters of this proposal cite as an example of the horrors that the amendment would prevent. It passed by one vote margins in both Houses. It definitely wasn't easy.

But more important, had this amendment been in effect, that legislation would not be law. The budget of the United States, instead of heading for the first surplus in thirty years, would be hundreds of billions of dollars in the red. The national debt, instead of heading down, would be climbing toward $7 trillion. And instead of looking at the third tax cut bill in the three years, we would be in the depths of the fiscal crisis that gripped this country and choked our economy.

Mr. Speaker, let us not trivialize the Constitution. We should defeat this diversion, and move quickly to get on with the real business of tax reform.

Mr. CRANE. Mr. Speaker, I rise in strong support of H.J. Res. 111, the Tax Limitation Constitutional Amendment.

Since I was first elected to this body, I have fought against the growth of government in Washington. For most of my tenure, that fight was an uphill battle, and our rising debt and annual deficits were testaments to that fact. The last time our government enjoyed a budget surplus was the year I was first elected to Congress, 1969. Until recent years, Congress has been to blame for the lack of fiscal discipline, not the taxpayers. Even though we are enjoying a budget surplus, Americans have the highest tax burden since World War II.

Quite simply, the Tax Limitation Amendment proposes a constitutional amendment requiring a two-thirds majority vote of both the House and Senate for passage of a bill that would raise taxes, except in the case of war. Even taxes that were increased as a result of the United States involvement in a war would be in effect for no more than 2 years. That provision alone would have forced Congress after World War II to revisit the high taxes, and the implementation of mandatory tax withholding, that helped to fund our victory over tyranny, but which were unnecessary after peace was achieved.

Since 1980, four of the five tax increase bills passed with less than a two-thirds majority. The last tax increase, the 1993 Clinton tax increase, was the largest in America's history. That bill passed both Houses by a two-vote margin. Although it will do nothing to redress past tax increases, a supermajority requirement will protect the American taxpayers from future Congresses.

To those who have reservations or objections to making this part of the Constitution, I assure you that the Tax Limitation Amendment is completely consistent with that document. The Constitution demands that Congress consider important matters such as overriding presidential vetoes and passing constitutional amendments by two-thirds majorities. Certainly, protecting the wallets of American taxpayers from profligate Washington spending is just as important.

I urge my colleagues to join me in voting for the Tax Limitation Amendment.

Mr. SERRANO. Mr. Speaker, I rise in strong opposition to H.J. Res. 111, proposing an amendment to the Constitution to require a two-thirds supermajority vote in both House and Senate for any legislation that would raise revenues through changes to the Tax Code.

A supermajority requirement is a profoundly bad idea. Majority rule is a fundamental principle of our American government. To allow a minority in one Chamber to block urgently needed legislation for any reason—ideological, partisan, whatever—would stand that principle on its head.

Today, with no supermajority requirements, Congress can do a great many things with only a simple majority in each Chamber. Many of us consider these just as important as raising taxes. Yet no supermajority requirement is proposed for them:

Congress can declare war, surely one of the most significant powers granted us by the Constitution—by majority vote.

Congress can pass appropriations to protect and enhance the well-being of our people, through education, biomedical research, law enforcement, public health, housing, food safety, national security—by majority vote.

Congress can pass bills that invest in America's physical infrastructure, our highways and airways, transit systems, ports, and parks—by majority vote.

Congress can balance tax and spending provisions to deal with pressing budgetary and economic situations—by majority vote.

Congress can create or close tax loopholes for wealthy special interests or pass a steep hike in the federal tobacco tax—by majority vote.

Congress can permit or deny access to federally-funded abortions—by majority vote.

Congress can impose the death penalty for more crimes, and for ever-younger criminals—by majority vote.

Surely these policies are as important and deserve as much deference as raising taxes does.

Mr. Speaker, why are we wasting a day on this loser? The same amendment failed to pass in 1996 and actually lost support in 1997. There's no reason to believe it will do better this year. This is an exercise in empty rhetoric, nothing more.

There are other bills we could have taken up today that might actually accomplish something. But no, Republicans must prove their devotion to tax cuts above all other priorities by engaging in 3 hours of unproductive bombast and then failing to pass anything.

I urge my colleagues to oppose this misguided legislation.

Mr. PORTER. Mr. Chairman, I rise today to express my opposition to H.J. Res. 111, the Tax Limitation Amendment, which would require a two-thirds supermajority in both houses of Congress to approve increases in taxes.

Mr. Chairman, I believe our fiscal problems result from excessive spending and I do not favor tax increases. I voted against tax increases in 1983 and 1990 and President Clinton's 1993 tax increase, and I have supported

fiscally conservative policies throughout my service in Congress. My voting record in this regard has earned numerous awards from groups such as the National Taxpayers Union, the Grace Commission's Citizens Against Government Waste, the U.S. Chamber of Commerce, Watchdogs of the Treasury, Inc., Citizens For A Sound Economy and the Concord Coalition, which rated my work in the last Congress at 100 percent.

Despite my strong opposition to tax increases, however, I do not feel it is appropriate to amend the Constitution by adding a two-thirds supermajority requirement to it for Congress to pass tax increases. Over 200 years ago, our forefathers founded our nation in tax revolt. King George III's imposition of huge and unfair levies without the consent of the American colonists led to their rallying cry of ''no taxation without representation.'' The British crown's impositions, including heavy taxation, were among the principal causes of the American Revolution.

Within a decade, in 1787, the leaders of that revolution were writing a new constitution to govern the relationship among the new national government, the states, and the people. Heavy upon their minds was the power of the central government to tax, as can be seen throughout the document. Yet having the opportunity to require supermajorities for the imposition of any tax, they did not write such a provision into the new constitution.

Supermajorities are found in our Constitution for a number of purposes, but each one relates to the separation of powers and the system of checks and balances among the branches of government. No supermajority provisions concern policies which federal governments might seek to follow in the future. Our nation's wise founders clearly and explicitly placed their faith and the entire structure of our government in simple majority rule. This is the essence of our democratic Republic under the Constitution.

To write a two-thirds requirement for tax increases into the House rules is one thing. I support it and voted for ti during the last Congress. But to write the same provision into our Constitution to bind Americans for all time to come is quite a different matter. I cannot support it. I believe it should be a matter for the people of each time to determine on their own.

As always, I remain committed to cutting federal spending and to opposing tax increases. My view is that these policy decisions should be driven by the will of the people and the individuals they choose to elect in their time, not by the views of one generation enshrined as a constitutional mandate.

Mr. ISTOOK. Mr. Speaker, taxes are too high. Federal taxes take over a fifth of America's entire economic output—more than ever before in history, and many Americans pay half of their income in combined Federal, State, and local taxes.

And some people will do anything to throw up roadblocks and detours in our trip to fiscal responsibility. They don't want to make the journey toward a balanced budget in the first place. They like joyriding instead, and sending the bill to taxpayers. They want to spend, spend, spend, without regard for how much it costs or how much debt we build.

When confronted with the debt, they always do the same thing: Raise taxes, and pat themselves on the back for ''making the tough decisions!''

Mr. Speaker, the joyride is over. This time we move toward a balanced budget, and we can't bill taxpayers for the trip.

Big government got us where we are. So big government can foot the travel costs to get us back to fiscal sanity. Cutting spending is the way to reach a balanced budget.

But the joyriders won't stop looking for a free ride from taxpayers, and that's why we need the Barton tax limitation amendment. No more detours. No more tax increases.

Let's pay our own way to a balanced budget. Support the Barton amendment.

The SPEAKER pro tempore (Mr. SNOWBARGER). All time for debate has expired.

Pursuant to House Resolution 407, the previous question is ordered on the joint resolution, as amended.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken.

Mr. SCOTT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on final passage are postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize special orders without prejudice to resumption of legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan (Mr. STUPAK) is recognized for 60 minutes as the designee of the minority leader.

INVESTIGATION VIOLATIONS

Mr. STUPAK. Mr. Speaker, there are a number of issues I would like to address today in my time here as a special order: leaking underground storage tanks, on this, today being Earth Day; and also on food safety; but first, Mr. Speaker, I have something I would like to say. I think I, as all Americans, we should be outraged by the actions of the so-called investigations that are going on here in Washington, D.C.

Mr. Speaker, unfortunately these are not investigations but violations of everything that we hold as dear as American citizens. Every basic right, every fundamental belief on which this great country was founded upon is being trampled by a select few. But it is this few, those who think they are above the law, that give Congress and government a bad name.

But this is more than just giving Congress or government a real bad name. This is about privacy, it is about the Constitution, it is about the laws of this Nation, it is about the oath of office, and it is about our word.

Mr. Speaker, the chairman of the Committee on Government Reform and Oversight, the gentleman from Indiana (Mr. BURTON), has released private recorded conversations covered by the Privacy Act to the news media. The conversations released were those of Mr. Hubbell, and those conversations were amongst himself to his wife and his family, and they were subpoenaed by the committee from the Justice Department.

The gentleman from Indiana (Mr. BURTON) was allowed access to these recordings because of his position as a Member of Congress and as chairman of the Committee on Government Reform and Oversight. The gentleman from Indiana (Mr. BURTON) was warned by the Justice Department that Mr. Hubbell had a right to privacy, and that the gentleman from Indiana (Mr. BURTON) and his committee should safeguard these tapes against improper disclosure. The gentleman from Indiana (Mr. BURTON), a Member of Congress, put himself above the law and has purposefully released these tapes.

Does not a Member's oath of office, the Constitution of the United States, in which we are sworn to uphold the Bill of Rights, the Privacy Act, human decency mean anything any more? Since when is it okay for a Member of Congress to trample the rights of individual citizens, no matter who that Member of Congress is? It is never okay for anyone, let alone a Member of Congress, to trample the individual rights of individuals.

Mr. Speaker, the rule of law applies to everyone on every occasion. This government cannot pick and choose when to follow the law. The laws of this Nation mean everyone must follow the law. Everyone includes, and especially it includes, Members of Congress, those of us who are sworn to uphold the law.

When Members or individuals who are elected officials sit by and allow a chairman or any Member of this Congress to openly ignore the law, then we are not worthy of holding elected office. That is why I can no longer sit by while the gentleman from Indiana (Mr. BURTON) continues to place himself above and beyond the rule of law.

And then I must ask who is going to be the next target? Who is the next target of invasion of privacy, of violation of our constitutional rights? I often have to ask myself, in the last few days, why do the American people sit idly by and tolerate such an invasion of rights of privacy?

Mr. Speaker, in this case let us be very, very clear what is going on here. In this case the gentleman from Indiana (Mr. BURTON) is the first chairman in congressional history, in the 200-and-some years that we have had Congresses, to have the power to unilaterally, unilaterally issue subpoenas and release confidential information.

The Committee on Government Reform and Oversight set up a so-called document working group, and it is comprised of three Republicans, including the gentleman from Indiana (Mr. BURTON) and two Democrats. The working group is supposed to issue nonbinding recommendations on whether the chairman should release particular documents.

The gentleman from Indiana (Mr. BURTON) subpoenaed the Hubbell tapes from the Department of Justice. The Department of Justice is prohibited from publicly releasing these tapes because of the Privacy Act. But the Privacy Act has an exemption, and that exemption is for releasing information to Congress. So DOJ under the Privacy Act releases it to the Burton committee because they can, under an exception to the Privacy Act.

At the time of the release the Department of Justice informed the gentleman from Indiana (Mr. BURTON) of his responsibility to treat the tapes in a very sensitive manner. After all, the privacy law does apply to the Department of Justice, the custodian of these tapes.

Well, what happens? Then on March 19 the Wall Street Journal ran an article that excerpted pieces of tapes, of conversations contained on these tapes. So they put in their paper, they print parts of recorded private conversations. This is on March 19. At the time the Chairman was trying to force Mr. Hubbell to testify before the committee, so the way he was trying to force it was by leaking information. He was trying to intimidate the witness to testify.

And then in the May edition of the American Spectator, if anyone reads it, if you read the American Spectator, they ran an article on information from the tapes that the gentleman from Indiana (Mr. BURTON) received from the Department of Justice.

As Democrats learned of this, the gentleman from California (Mr. WAXMAN) in particular, he wrote to the gentleman from Indiana (Mr. BURTON) and asked him stop leaking the tapes: These are highly sensitive, you have been warned, do not do it. That was back on March 20, 1998. The gentleman from Indiana (Mr. BURTON) wrote back and said, ''Look, I didn't leak the tapes. Since I had a unanimous consent, inserted it in the record, then the tapes could be released.'' That was on March 27, 1998.

The gentleman from California (Mr. WAXMAN) went back through the tapes and went back through the record, and he found by going through the record of the committee that there was no unanimous consent to release these tapes. And that was on April 2 when the gentleman from California (Mr. WAXMAN) wrote back and said there is no authority or unanimous consent to release this information.

The gentleman from Indiana (Mr. BURTON) did inform the gentleman from California (Mr. WAXMAN) on April 14 of his decision to make the tapes public. Private recorded conversations now going to be made public.

The gentleman from California (Mr. WAXMAN) requested that the gentleman from Indiana (Mr. BURTON) should immediately convene the working group, convene the working group to meet to determine whether the documents could even be released. That was on April 15, 1998. The gentleman from Indiana (Mr. BURTON) answered that he would not convene the working group and he was going to release the tapes immediately on April 15, 1998. At this point it is unclear how much of the tapes were released.

Mr. Speaker, the problem is here we have the Privacy Act that governs the release of information, a Member of Congress uses his office to obtain the information, and despite warnings that they not be released because they are subject to the Privacy Act, they are released anyway to intimidate a person to come and testify before a committee.

I do not know Mr. Hubbell and I do not know all the players involved here, but when do we allow Members of Congress to place themselves above the letter, the intent and the spirit of the law? Since when do we as Members of Congress sit by and watch other Members openly violate the law? And such an abuse of power, if we cannot do it through a front door, we try to slip it in through the back door.

Mr. Speaker, prior to coming to Congress I was a police officer up in the upper peninsula of Michigan, in Escanaba, and also with the Michigan State Police. I was injured in the line of duty and I was medically retired. But one of the last cases I worked on when I was in the State Police and actually was finalized was a criminal investigation involving a State legislator.

I did not leak information to the news media about the case. I did not violate her rights. I did not treat her unjustly, but only with humaneness and respect. I did not invade her right to privacy. I did not violate her constitutional rights. I did my job in a professional manner, and we got the conviction. I did my job within the bounds of the law, and we were still able to get our conviction. The case went to the Michigan Supreme Court and they upheld the conviction.

The point I am trying to make: There is a proper way and a way as Americans that we expect to conduct ourselves, not only as individuals but as law enforcement officers, as prosecutors, as chairmen of committees. You can do an investigation, an investigation which honors the law, and not violate the privacy rights. We did our investigation within the bounds of the law and not out of bounds.

Mr. BURTON's treatment of Mr. Hubbell is wrong, it is outside the law and is outside common decency, and it is contrary to what people and what we in government should and do stand for. I would hope that no future tapes would be released by the gentleman from Indiana (Mr. BURTON). I would hope that the Justice Department would intervene to protect the rights of citizens to their privacy, to their right of privacy and to the rights afforded all citizens of this great country.

Mr. Speaker, my theory is with the majority party, with all these investigations going on in Washington, D.C., from Mr. BURTON's committee to special prosecutor Ken Starr, each and every day Americans are having their rights violated under the guise of criminal investigations or grand jury investigations.

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Mr. Speaker, the joke around here is, have you received your subpoena today? But it really is no joking matter when the prosecutor uses the grand jury and the subpoena power of the grand jury to conduct even the most basic initial inquiry of a witness; that is no substitute for professional investigation. It is my understanding from reading news accounts that the special prosecutor has some 70 to 75 FBI agents. People are being subpoenaed without ever being interviewed by law enforcement.

Why have a subpoena power or law enforcement working on a case when you are just going to subpoena people in. Every time you subpoena people in before a grand jury there is a cost involved of getting legal counsel; there is humiliation and probably the damage to the reputation. Instead of doing our work and doing our job the old-fashioned way, actually going out and pounding the pavement and interviewing witnesses to see if you have anything worthy to tell a grand jury, we are now dragging people underneath subpoena power.

When and under what right and authority does the special prosecutor have to go into book stores to get a list of the latest books you may have read or purchased? Is there not a privacy right there protecting individuals on the books they read? Or have we sunk so far as a country that we now start making lists of books that people read?

When is a mother forced to testify under subpoena about her own daughter? Once again, isn't there some privileged conversations here between a parent and their child?

When is it allowable for someone to leave a message on a telephone answering machine and then only to have the caller be subpoenaed for expressing an opinion about the special prosecutor investigation?

Mr. Speaker, I think we ought to ask ourselves what is going on here? How far have we gone? Why are we allowing this to go on? Where is the privacy? Where is the authority? Under what authority, what right, does the government have to do these things? Why are FBI agents, special prosecutors, chairmen of committees, Members of Congress, why do they believe they do not have to follow the law?

In the 5 years that I have been here, we have been working so hard to get government out of our lives, but now government has not only taken over our lives, they are taking over every aspect, even the most private of conversations. Even conversations in which we have been warned that there is a Privacy Act here and these are sensitive matters, but we still release them in the name of some investigation.

Whether you are a Democrat or Republican, a Liberal, a Conservative, or an Independent, you are an American, and if you are an American, you should be outraged by the actions and the abuses of power recently displayed in committees and by special prosecutors in these past few months.

I do not personally know the individuals involved, who may or may not have been subpoenaed. I only know what I read and have heard about in the newspapers. I do not know the guilt or innocence of people, and I am not here passing judgment on guilt or innocence. But I do know that as you do an investigation, there is a right way and there is a wrong way. There are certain rights and liberties as Americans that we hold dear to us. And if there is going to be agility or innocence determination, then the evidence must be fairly obtained, without violating the law, without the abuse of power. And then the guilt or innocence of an individual is brought before a judge and a jury.

It is not obtained by one government agency, subpoenaed by another government agency, and then released under the guise of some cloak of exception to the privacy rule because we are a Member of Congress. Whoever would do that has put themselves and this great body, the Congress of the United States, above the law, and we are not above the law. We are equal underneath the eyes of the law.

I know, and I believe, that as an American citizen, I have certain rights. As an American citizen, not even the Congress of the United States can take away those rights, and the Congress does not have the legal authority to violate or take away any of these rights.

As a human being, there is a certain decency and kindness, a dignity and respect, that all Americans and every individual should be afforded. Some would call those inalienable rights. They are to be upheld and honored. And that requirement goes to the chairman of the Government Reform and Oversight Committee. It goes to the special prosecutors in this town, and I wish they would begin to conduct themselves in professional, courteous manners, as law enforcement does in this country.

Having been there and having been in law enforcement and done these investigations, just coming back from break, I can't tell you how many of my friends in law enforcement have said what is going on out there? If we tried to do any of those things when we were doing criminal investigations or working the street, we would have certainly been in great difficulty.

Mr. Speaker, I yield to the gentleman from California, Mr. WAXMAN, the ranking Democrat on the Government Oversight Investigation Committee. I certainly appreciate his efforts in trying to bring these violations of rights forward that he sees happening on that committee. I am, quite frankly, ashamed of the way Congress has been conducting these hearings.

Mr. Chairman, I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I want to compliment the gentleman on the superb job he has just done laying out the problems that we are seeing in the Committee on Government Reform and Oversight under the leadership of the gentleman from Indiana (Mr. BURTON). This committee has wide-ranging responsibility to conduct an investigation on an issue that is important to the American people. But the Republicans on that committee have delegated to Mr. BURTON extraordinary powers.

No chairman of any committee in the history of the House of Representatives has had the power to go out and issue subpoenas without asking anybody to approve it; not the minority, not even the majority members of his committee. And to date, Chairman BURTON has issued 1,049 information requests in connection with the campaign finance investigation.

Of these, by the way, 1,037 or 99 percent were issued to investigate allegations of Democratic fund-raising abuses, and he also had 532 out of 541 subpoenas, and 144 out of 146 depositions all targeting Democrats.

Now, no one in this Congress or the country can believe that the only campaign finance abuses have been by Democrats.

What is also so troubling to me is the statement that Congressman BURTON just made back home in his district. He was quoted as saying about the President of the United States, if I could prove 10 percent of what I believe happened, he would be gone. This guy is a scum bag. That is why I am after him.

This is the statement of the chairman involved in an investigation. It is clear that he has a vendetta. He is not in any semblance trying to conduct an inquiry that will be fair and bring out all the facts, wherever they may lead. He is out to get the President of the United States.

His statements, it seems to me, are so outrageous, quite vial. If they were delivered on the House floor as a Member of Congress, his words could be taken down. It is inappropriate for Members of Congress to speak that way. It is inappropriate for any American to speak that way about the President of the United States.

But you have reported in this special order one of the most troubling things that also concerns me, and that is the fact that Chairman BURTON has taken tapes of private, intimate, personal conversations, that Webb Hubbell has had with his wife and personal friends, and made them public.

These are tapes about very personal matters. They have nothing to do with anything that relates to the campaign finance question. For his staff to have sat there and eavesdropped over these conversations, and then to send them, as he did, to the American Spectator, one of the right-wing magazines in this country, and other publications, to humiliate the man, there is really know other purpose but to humiliate him.

Now, I do not know whether Webb Hubbell has committed any other crimes than that which he admitted to, and it is appropriate for law enforcement to investigate it. It would be appropriate for our committee to investigate any wrongdoing on his part that relates to the jurisdiction of our committee. But to use the power to release these personal conversations as a weapon against him, is so offensive, it reminds me of that comment that has gone down so well in history, that Joe Welch said at the Armey-McCarthy hearings: After all, have you no decency?

I wrote to the Attorney General and, by the way, she, under the law, could not have made these tapes public. Ken Starr could not have made these tapes public. And under the Rules of the House, even Chairman BURTON is not permitted to make these tapes public. He has done it, in violation of the rules of our committee, and I believe that the members of the committee will have to deal with that matter, and maybe even the Members of this House will have to further deal with the question of the ethical propriety of the chairman's conduct.

But when he was given these tapes by the Attorney General, he was specifically told that these personal matters were to be kept personal and confidential.

I am so troubled by Chairman BURTON's conduct, I think it is reprehensible. His statements are vial. They do not befit a chairman who is trying to take on such important responsibilities.

A lot of people have not paid attention to the investigation of the Burton committee, the way they did with Senator THOMPSON's committee. They just cannot take it seriously. But the power that this man has to subpoena documents, to force people to come in and be deposed, to have to hire lawyers to be there with them, and to ask questions that have nothing to do with campaign finance investigations. We have had witnesses who have been brought in and asked questions about their drug use, and if they don't want to answer that question, because it is not the business of the committee looking at campaign finance questions to ask such personal matters, they can argue that it is not pertinent, but then the chairman would make a ruling that it is.

They then have the choice of being in contempt of Congress and fighting it out in court, where they would probably win. But do you know what it means when an American citizen, who has never been accused of doing anything wrong, has to face the overwhelming intrusive power of the Congress of the United States, asking for their personal records, asking them the most personal questions? I can think of no greater invasion of personal liberties than what we have seen in this Burton investigation.

I think the disclosure, so out of sync with the rules of these Hubbell tips, are only the tip of the iceberg. What they have done to other witnesses by way of harassment speaks so poorly of any committee of the Congress of the United States.

I thank the gentleman for yielding me time and allowing me to join with him in expression of concern about the conduct we have seen.

Mr. STUPAK. If the gentleman would remain, we still have some time left. Before I get to other issues, you said a couple of things I would just like to ask about. You said there has been 1,049 different documents subpoenaed and depositions taken by this committee.

If the chairman of the committee, Mr. BURTON, is going to release information protected underneath the Privacy Act, obviously contrary to the intent and spirit in the written law, then what is there to prevent him from releasing these documents or the depositions or interviews of other people?

Have we gone so far that whatever government wants to do, despite personal liberties that we as Americans possess, government, at least this committee, can release whatever they want with impunity towards the law? Is there any recourse for action like this?

Mr. WAXMAN. Let me draw a distinction. If a committee of Congress asks a witness to come and testify at a hearing or to testify under oath in a deposition, that information should be made public. That is on the record.

Mr. STUPAK. A committee hearing.

Mr. WAXMAN. A committee hearing or deposition ought to be made public. We have insisted these depositions be made public, and some of them are still being held back from the public. But what we have in these that is so offensive about the process is that witnesses are being harassed to come in and testify, not one day, but sometimes two, three, four and five days. Just to answer any question they want to ask these witnesses. And that means that any witness that comes before a committee of Congress has to have an attorney. He just can't take a chance that he will do anything wrong. You need to have legal representation.

For someone working in the Department of Commerce, for example, or Secretary Babbitt's committee, where they were looking at the question of whether there ought to be a dog track approved to be turned into a gambling casino in Hudson, Wisconsin, we had 3 days of hearings on this issue. A lot of people were deposed before those hearings. Their depositions were released, but they never testified.

The people who worked as government civil servants were brought in to answer extensive questions. They had to hire a lawyer at their own expense, answer the questions. They did.

□ 1530

But they were asked to give depositions after they had already testified in the Senate and given depositions in the Senate committee. So they were being harassed for no purpose, because the information was already available.

This is a different issue, these subpoenas and depositions, than what happened with Web Hubbell, because what happened with Web Hubbell was a tape made without the intention of it ever being made public. Those who were involved in the conversations never dreamed that their private discussions would be made public. That is different from someone who comes in for a deposition.

Imagine just having a conversation with your wife about the family, about very intimate kinds of things, being taped; and you may even know it is being taped, but you expect it is never going to be disclosed; but then having it disclosed, or pored over by people who are, in effect, eavesdropping on the most sensitive kinds of communications.

Mr. STUPAK. Mr. Speaker, my concern with this whole mentality we have going right now in Washington, D.C. with all of these investigations, as we see in the Ken Starr case, going in the bookstores to find out what people read or what they may have purchased, someone leaving a message on a telephone answering machine, and then being subpoenaed before a grand jury to explain it because they expressed an opinion contrary to what, contrary to what the special prosecutor thought in this case; or a mother being forced to testify under subpoena about her daughter's activities.

As American citizens, again, whether you are a liberal, conservative, Democrat, Republican, or Independent, I think we should be concerned about where these investigations are going. Whether it is Web Hubbell, whether it is the Ken Starr investigation, we have certain rights and certain liberties that must be respected by law enforcement, by prosecutors.

Certain things are guaranteed in the Constitution, and I am afraid that in the last few months these things are getting so out of focus that we are using every possible means to force people to testify, whether it is against their will or not.

Certainly in the Hubbell matter, he chose not to testify before the committee, so tapes are being released to try to coerce him into testifying. We always hear that people are concerned about government is always in their face and is all-intrusive, and you cannot get away from the government. What are we getting, here? We are getting more and more of this, not less.

As we try to get government out of our lives, when it comes to an investigation, government not only is in our life, it is in the bookstore, it is on our answering machine, and it is in our personal conversations, and we have no control over it. And if we object, they find a way to come through the back door and violate our rights on what they cannot get through the front door.

As a former law enforcement officer and an attorney, I just really resent what is going on here. It reflects terribly upon every Member of Congress, because it is the Committee on Government Reform and Oversight and everyone who sits on that committee. I no longer sit on it. I did at one time, and we did some work in my first term here.

Where have we gone with this whole thing? This is totally out of control. Every Member of Congress should be outraged, and every American citizen should be outraged. These are rights and personal liberties guaranteed to us which are being trampled in the name of an investigation.

Mr. Speaker, I yield to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, this committee spent $6 million. They ought to have something to show for it. We have had only six public hearings over a period of 13 days, as opposed to Senator THOMPSON, his investigation, where they held 33 days of hearings, and they issued a 1,100 page report at a cost of less than $3.5 million.

The gentleman from Indiana (Mr. BURTON) it has been reported in the press is hoping to be on the committee that Speaker GINGRICH will set up if there is a possible inquiry of impeachment of the President of the United States. How can we have someone on a committee to decide whether to impeach the President of the United States when a Member has already said such a vile accusation against the President, and indicated he is out to get the President of the United States? We have clear bias, a vendetta, no objectivity or fairness. He is not interested in the facts. He has already made up his mind.

So I point that out. Let us stop spending money unless it is really for an investigation that will get to the facts, and not just be used recklessly for partisan purposes. I thank the gentleman for yielding to me.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for coming down. I am not sure if he is aware, I was reading some articles, and I was so outraged over what I read. When I think back over what has happened in the last few months, I think every American should be outraged over what is going on.

I often tell my folks back home that when you have politicians investigating other politicians, what do you get? More politics. I really wish we would

leave these to professional law enforcement, who certainly do respect the rights of individuals.

Mr. Speaker, I yield to my friend, the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, I thank the gentleman from Michigan (Mr. STUPAK) for yielding to me. It is an honor to be here. I want to compliment the gentleman for bringing this to the body's attention here, and I want to compliment the gentleman from California (Mr. WAXMAN) for the fine job he has done.

Like the gentleman, I was amazed when I looked at the article in the Wall Street Journal several weeks ago that talked about the taping of Webster Hubbell's conversations. I am not here to defend Webster Hubbell. I do not think anybody here is doing that. But there is a concern here that I think every American has to pay attention to, what we are doing here.

I heard the gentleman from California (Mr. WAXMAN) ask the question, have you no decency? That was exactly what went through my mind as I read what is going on here with the gentleman from Illinois (Chairman BURTON) and the committee we are dealing here with today.

The article was from the Wall Street Journal of March 19, 1998: ''As he wasted away, the prisoner had but one thing on his mind. What he had on his mind was food during the time he was in prison. Webster Hubbell lost a lot of weight. He was concerned about food.

''His conversations were recorded, his phone conversations with his wife were recorded. There were no nefarious plots discussed, there were no illegal discussions that took place. They talked about incredibly mundane matters between a man and his wife. Unfortunately, those verbatim conversations made their way not only into the Wall Street Journal, but also into the American Spectator.''

I would like to read or make reference to a letter that the gentleman from California (Mr. WAXMAN) wrote to the Attorney General, if I may, talking about this.

In the letter, which is dated April 20, the gentleman from California (Mr. WAXMAN) wrote: ''I wrote to Chairman BURTON on March 20, 1998, and noted that the only possible sources for the tapes,'' the release of the tapes, ''to the Wall Street Journal and the American Spectator were Independent Counsel Kenneth Starr or Chairman BURTON. It would be illegal for Mr. Starr to release the tapes, and it would be a violation of our committee rules if Chairman BURTON had released the tapes without notice.''

On March 27 the gentleman from Indiana (Chairman BURTON) responded and argued that the released tapes were not a leak. In his letter he noted that, ''In fact, the tapes in question were entered into the committee record on December 10th, 1997, during a hearing regarding Attorney General Reno's decision to seek appointment of an independent counsel.''

That statement was not correct, as the gentleman from California (Mr. WAXMAN) responded on April 2 to Chairman BURTON'S letter and informed him, and this is Mr. Waxman, now: ''I have thoroughly reviewed the transcript from the December 10th committee hearing. At no point were the tapes entered into the hearing record.''

Mr. Waxman also challenged Chairman BURTON'S assertion that the leaked tapes discussed matters under investigation by the committee. Again, the reference in the media was to food.

''On April 14th of this year, just last week, in an apparent recognition that he had not received prior approval for the release of the Hubbell tapes, Chairman BURTON wrote and informed him of his intent to release the tapes and other records. And then in an April 15 letter the minority staff director informed Chairman BURTON'S staff director that he objected to the release of the tapes because they would be an unnecessary invasion of privacy and serve no purpose.''

So what we have here is we have a situation where these tapes have been released. I understand that the gentleman from Indiana (Mr. BURTON) does not like Mr. Hubbell, and it is clear he does not like President Clinton. That is his right. If he does not like these two gentlemen, that is his right. He is in a position of authority. He is in a position of authority that should not be abused.

My concern is that the committee that I serve on along with the gentleman from California (Mr. WAXMAN) is abusing not only the rules of this House, but common rules of decency. We have an individual who has been punished under the law, as he should have been, Mr. Hubbell. But that does not mean that he has lost his citizenship, that does not mean he has lost all his rights. What it means is that he should be punished, and he has been. But even as a prisoner, he has some rights. To violate those rights I think is a gross invasion of privacy and is an embarrassment to this body.

I wanted to come down here to share the gentleman's sentiments, share the sentiments of the gentleman from California. The letter I was reading from was a letter from the gentleman from California (Mr. WAXMAN) to Attorney General Janet Reno. I concur with his question. The Attorney General should be looking into this matter, because it is an important matter. As soon as this body starts violating the rights of American citizens, we are on the road to tyranny, because it is just not something that should be tolerated.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for adding to this discussion here today. The issue is not whether the conversation was about food or how mundane the discussion may have been, and what was or what was not the discussion that was recorded and then later released. It is the principle here. It is the constitutional right. It is the invasion of privacy.

We are not here defending Mr. Hubbell or even the President of the United States. They can defend themselves. If someone does not appreciate the job they are doing or did, that is their right. But there are some rights where you are restricted from going, whether you are a private citizen or a member of the United States Congress or a law enforcement officer.

The principle of privacy is something we as Americans have always held near and dear to us, so when they say you have no shame, or you have no respect or no decency, I guess those who would release this information have no shame and have no respect for the Constitution and the laws of this country.

When we start putting ourselves above the law, or using documents that are obtained, and the only way they were obtained is because a Member of Congress, a chairman of a committee, subpoenaed them, otherwise, no other citizen could get them; and then to be used to release or to try to intimidate a person to come in and testify, where have we gone as a country?

We talk about morals and ethics and values in this country, but when we use those kinds of tactics to try to force people to testify, if you will, against themselves, then have we really gone way too far?

I really do hope that the Attorney General does investigate this and puts some restriction on, or calls back these tapes. I would hope that the media would use their good judgment and not release these documents that are sensitive and private conversations between a husband and his wife.

Whether we agree with the parties or not, they still have an expectation of privacy. We know that expectation of privacy has been invaded, has been violated, but I do not think that then gives the media justification to print it. So I would hope that by bringing forth this discussion today, that all Members of Congress and our friends in the media would use some good common sense as these investigations go on and as questionable tactics come to light.

Again, it is not just the Burton investigation, if you will, but also what is happening with Ken Starr, with people going into bookstores to see what you may or may not have read or purchased recently, on tape recordings, on answering machines, and people then get subpoenaed.

I would hope, I would certainly hope, that we would respect and bring some decency to these investigations and what is going on. Whether people are guilty of this or that will be determined by another body. We would need a judge or jury, and we should at least respect the Constitution and laws which we all live under.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, I want to echo what the gentleman is saying. I think the people of this body and of this country have to understand the magnitude of what is going on. Webster Hubbell may not be a particularly admirable figure to many Americans, but he does have rights. Every American has rights.

If we start down the road where we can basically violate someone's rights because we do not like them, then I think every one of us in this Chamber is in danger, I think every American is in danger.

Just think about it for a second. Think about any conversation that you have with your spouse, about any conversation you have with a family member, think about any conversation you have with a friend. Think about that conversation being taped. Then think about that conversation being released to the public, to the media, because someone in a position of authority does not like you. They do not like your politics, they do not like what you have done in the past, and they are going to use that position of authority to try to destroy you.

That is extremely dangerous. That is something that Americans cannot just let happen on a daily basis. I am afraid that what we are seeing in this Chamber and what we are seeing in this committee structure and some of the investigations is we are seeing steps toward that, where truly the ends justify the means, and an investigator has decided that we do not like this person and they are guilty of something.

There is an article from the Star News today, or actually from April 16, and it talks about the committee's database that we have here in Washington from the committee that I serve on:

> The oversight committee's database on Capitol Hill contains 90,000 entries that pertain to questionable conduct by the administration. Somewhere in all that BURTON believes is an indictable offense.

I will take any American, any American, and if you give me 90,000 entries about their life, they have done something wrong. What we have here is we have a situation where a completely one-sided investigation is out to paint Democrats and the administration in a bad light.

I think the American people see through it. They recognize that virtually none of the subpoenas have been directed towards Republicans, and there is not a person in this world, in this country, who believes that all Republicans are wonderful and all Democrats are terrible. That is just not the way it is. I am not here to say that Democrats are 100 percent good, but I am certainly here to say that Republicans are not 100 percent good.

If we are going to have an investigation, we should have a fair investigation. This is not a fair investigation.

□ 1545

Mr. STUPAK. Mr. Speaker, I thank the gentleman. And whether we are a Democrat or Republican, again it is the basic principles and beliefs that all Americans hold near and dear to them. And if we are going to do an investigation, let us do it based upon the law of this land and not upon the position we may hold in the government or elsewhere, and respect those laws.

I thank the gentleman and thank him for coming down. He probably did not realize that I was going to do this today, and neither did I until I woke up this morning and read the paper. It got me going.

Mr. Speaker, I did say I was going to spend a few minutes on leaking underground storage tanks and if there is time, I would still like to do that. Being Earth Day, one of the bills that I have worked on in the 104th and 105th Congresses is the leaking underground storage tanks. Today being Earth Day, it is a bill that both myself and the gentleman from Colorado (Mr. DAN SCHAEFER), a Republican and member of the Subcommittee on Health and Environment with me on the Committee on Commerce, we have been pushing this bill for the last two years.

The last Congress, the 104th Congress, it passed this House by near unanimous agreement and went to the other body, and unfortunately it died over there. In the 105th Congress, I believe it was July of last year we once again passed the bill.

The bill is supported by the administration and supported by the Environmental Protection Agency. And the reason why it is, the greatest pollutant of our groundwater is leaking underground storage tanks which contain gasoline and other petroleum products, oil, gas, kerosene, whatever it may be.

That bill once again sits before the other side of this House, over in the Senate side, and we would hope that they would see to it that they would bring that bill up very, very soon.

What the bill does is reorganize the program. There is a trust fund which petroleum companies and others pay into to help clean up leaking underground storage tanks. Again, the greatest pollutant of our groundwater is leaking underground tanks. On this Earth Day one of the best things we could do is pass this bill to get that leaking underground storage tanks program up and running in this country.

In my home State of Michigan we did have a Michigan Underground Storage Tank Act. Unfortunately, that fund has gone bankrupt and we need to pump some new life and some new money into it, and the bill we have would certainly do that.

Mr. Speaker, one other issue that I said I would speak on is food safety. In my work on the Subcommittee on Health and Environment we have been watching closely food safety and food safety agreements and how they are affected by trade agreements.

In this country we have the world's highest standards when it comes to food and food safety. Unfortunately, from statistics from the Centers on Disease Control, we have found that every second of every day an American is stricken with food poisoning. We know that 33 million Americans this year will suffer from food poisoning. Of those 33 million Americans, 9,000 deaths will occur due to food poisoning.

Why do we have so many deaths when we have the highest standards in the world? Why are so many Americans getting sick based on food poisoning? If we take a look at statistics put forth by those who are in charge of food inspection, the Food and Drug Administration and the Department of Agriculture and others, back in 1981 we used to make 25,000 inspections of food. In 1996, we made 5,000 inspections of food in this country.

During that same period of time, especially since the passage of NAFTA, the North American Free Trade Agreement, food imports in this country have gone up some 40 percent. In fact, in my home State of Michigan during the winter months 70 percent of the food, the fruits and vegetables, 70 percent of the fruits and vegetables that come into Michigan come from foreign countries. And we know that a food item from a foreign country is likely to have three times greater amount of pesticides on it than those grown domestically in the United States.

So as we were doing food safety issues relating to trade agreements, we asked the President as we are negotiating these trade agreements if three things could happen: Number one, certainly increase our inspections at the border so that we prevent contaminated foods or foods laced with pesticides, prevent them from coming into this country, and to make sure that those foods, fruits, vegetables, meats, fish or poultry, meet United States standards.

Secondly, to renegotiate some of the provisions of the trade agreements that allow us time to inspect food shipments coming into this country. Right now we inspect about 1 percent. We have 9,000 trucks a day coming in from the southern border bringing in food products, but we are only inspecting 1 percent. Is it any wonder why more and more food is getting into this country not being inspected?

And finally, the last but not least, we asked the President if we could put forth and if he would endorse the idea of a country of origin food labeling, so if we go to the supermarket and take a look at the tomatoes and decide whether or not to purchase those tomatoes, we would know if they were grown in Florida, which at one time had the world's tomato market and now they are second to Mexico, or whether or not they were grown in Mexico. And those are the issues that the American consumers, who will have the ultimate choice here, consumers really should make.

In my home State of Michigan we had, in the spring of 1997, 179 schoolchildren stricken by tainted strawberries in the school lunch program.

Now it is up to 324 case of hepatitis A. Those strawberries came from Mexico. When they were shipped into the United States, they were packaged in the hot lunch program and distributed throughout this country.

Our concern and our problem, and I said earlier that are there is a greater likelihood that foods and fruits and vegetables from other countries have three times more pesticides than what we use here in the United States, our concern is simply this: While we have these young children ages 10 to 11 in Michigan being very ill with hepatitis A, they got over hepatitis A but now they are suffering from secondary symptoms. The secondary symptoms are atypical of hepatitis A. By that I mean they have hair loss and skin rashes and sores in their mouth and shingles at 10 years old, and a number of secondary symptoms and illnesses, certainly not due to hepatitis A but other things that were in those strawberries.

Recently we were down in Mexico doing some work on trade agreements and we saw the sanitation, or I should say the lack of sanitation, the lack of clean water, the use of pesticides on agricultural crops. So it is no wonder that they are having secondary symptoms when we do not know what is the cause of those secondary symptoms. Could it be lead? Could it be mercury? Could it be pesticide use? Those are some of the suspected agents that we have.

We then went to the Central Valley of California and we saw their conditions and standards that they use to grow, package and bring forth produce in this country. A vast world of difference. But yet the farmers there were telling us that many of the products that we may see in our store and canned under U.S. label are actually grown in other countries, and they do not have to put where it was grown, just where it was canned or packaged.

In particular, olives, black olives, the market used to be in California. It is now in Mexico. It comes over, they cut off the top and the bottom, take the pit out and put it in the can and it says ''canned in the United States.'' It does not say that the produce, or in this case the olives, were canned in the United States but in fact they were grown in Mexico.

So we can see how the problems of food safety enter into our food supply each and every day. So having the world's highest standards concerning fruits vegetables, meat, poultry, there are some things we can do as American consumers.

We have been pushing legislation to get proper labeling with country of origin, so that we as the American consumer can decide whether or not we want to serve these strawberries from Mexico or from southern California to our family; or Guatemalan raspberries, where we had 15,000 people stricken last year with those; or whatever other fruit or vegetable or meat or poultry it may be.

So as we continue this debate, Mr. Speaker, on trade issues, I would hope that we stop and not lower our standards to allow trade and items to come into the United States, but maintain the rigid standards that we have in the United States, not just for fruits and vegetables and meats and fish and poultry but for all products. I find it amazing that in this country we can insist upon standards for CDs and intellectual property and movie rights, but yet we cannot insist on the same standards that would apply to our food and our food sources in this great country. While we have the world's highest standards, we must maintain them.

We are not opposed to trade policies; we are opposed to trade policies which reduce or lessen our standards that we have accepted here in the United States.

So, Mr. Speaker, with that I would close. The next big fight on trade may be the Multinational Agreement on Investment, which once again would attack our health, our environmental and our food and safety standards in this country. So I would ask all Members to be alert for the MAI, the Multinational Agreement on Investment, which once again is a way of lowering our standards that we are used to here in this country and attacks our sovereignty as a Nation.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 5:15 p.m.

Accordingly (at 3 o'clock and 56 minutes p.m.), the House stood in recess until 5:15 p.m.

□ 1737

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 5 o'clock and 37 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1252, JUDICIAL REFORM ACT OF 1998

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–491) on the resolution (H. Res. 408) providing for consideration of the bill (H.R. 1252) to modify the procedures of the Federal courts in certain matters, and for other purposes, which was referred to the House Calendar and ordered to be printed.

TAX LIMITATION CONSTITUTIONAL AMENDMENT

The SPEAKER pro tempore. The pending business is the question of the passage of House Joint Resolution 111 on which a recorded vote was ordered.

The Clerk read the title of the joint resolution.

RECORDED VOTE

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The vote was taken by electronic device, and there were—ayes 238, noes 186, not voting 9, as follows:

[Roll No. 102]

AYES—238

Aderholt	Gibbons	Pappas
Andrews	Gilchrest	Parker
Archer	Gilman	Paul
Armey	Gingrich	Paxon
Bachus	Goode	Pease
Baker	Goodlatte	Peterson (PA)
Ballenger	Goodling	Petri
Barcia	Gordon	Pickering
Barr	Goss	Pitts
Barrett (NE)	Graham	Pombo
Bartlett	Granger	Portman
Barton	Green	Pryce (OH)
Bass	Greenwood	Quinn
Berry	Gutknecht	Radanovich
Bilbray	Hall (TX)	Ramstad
Bilirakis	Hansen	Redmond
Bliley	Harman	Regula
Blunt	Hastert	Riggs
Boehner	Hastings (WA)	Riley
Bonilla	Hayworth	Roemer
Bono	Hefley	Rogan
Boswell	Herger	Rogers
Brady	Hilleary	Rohrabacher
Bryant	Hobson	Ros-Lehtinen
Bunning	Hoekstra	Roukema
Burr	Horn	Royce
Burton	Hulshof	Ryun
Buyer	Hunter	Salmon
Callahan	Hutchinson	Sanchez
Calvert	Hyde	Sandlin
Camp	Inglis	Sanford
Canady	Jenkins	Saxton
Cannon	John	Scarborough
Castle	Johnson, Sam	Schaefer, Dan
Chabot	Jones	Schaffer, Bob
Chambliss	Kasich	Sensenbrenner
Chenoweth	Kelly	Sessions
Christensen	Kim	Shadegg
Coble	King (NY)	Shays
Coburn	Kingston	Sherman
Collins	Klug	Shimkus
Combest	Knollenberg	Shuster
Condit	Kolbe	Skeen
Cook	LaHood	Skelton
Cooksey	Largent	Smith (MI)
Cox	Latham	Smith (NJ)
Cramer	LaTourette	Smith (OR)
Crane	Lazio	Smith (TX)
Crapo	Leach	Smith, Linda
Cubin	Lewis (CA)	Snowbarger
Cunningham	Lewis (KY)	Solomon
Danner	Linder	Souder
Davis (VA)	Livingston	Spence
Deal	LoBiondo	Stearns
DeLay	Lucas	Stump
Diaz-Balart	Maloney (CT)	Sununu
Dickey	Manzullo	Talent
Doolittle	McCarthy (NY)	Tauzin
Dreier	McCollum	Taylor (MS)
Duncan	McCrery	Taylor (NC)
Dunn	McDade	Thomas
Ehlers	McHugh	Thornberry
Ehrlich	McInnis	Thune
Emerson	McIntosh	Tiahrt
English	McIntyre	Traficant
Ensign	McKeon	Upton
Etheridge	Metcalf	Wamp
Everett	Mica	Watkins
Ewing	Miller (FL)	Watts (OK)
Fawell	Moran (KS)	Weldon (FL)
Foley	Myrick	Weldon (PA)
Forbes	Nethercutt	Weller
Fossella	Neumann	White
Fowler	Ney	Whitfield
Fox	Northup	Wicker
Franks (NJ)	Norwood	Wolf
Frelinghuysen	Nussle	Young (AK)
Gallegly	Oxley	Young (FL)
Ganske	Packard	
Gekas	Pallone	

NOES—186

Abercrombie	Barrett (WI)	Bishop
Ackerman	Becerra	Blagojevich
Allen	Bentsen	Blumenauer
Baesler	Bereuter	Boehlert
Baldacci	Berman	Bonior

Borski	Jackson-Lee (TX)	Ortiz
Boucher	Jefferson	Owens
Boyd	Johnson (CT)	Pascrell
Brown (FL)	Johnson (WI)	Pastor
Brown (OH)	Johnson, E. B.	Payne
Campbell	Kanjorski	Pelosi
Capps	Kaptur	Peterson (MN)
Cardin	Kennedy (MA)	Pickett
Carson	Kennedy (RI)	Pomeroy
Clay	Kennelly	Porter
Clayton	Kildee	Poshard
Clement	Kilpatrick	Price (NC)
Clyburn	Kind (WI)	Rahall
Conyers	Kleczka	Rangel
Costello	Klink	Reyes
Coyne	Kucinich	Rivers
Cummings	LaFalce	Rodriguez
Davis (FL)	Lampson	Rothman
Davis (IL)	Lantos	Roybal-Allard
DeFazio	Lee	Rush
DeGette	Levin	Sabo
Delahunt	Lewis (GA)	Sanders
DeLauro	Lipinski	Sawyer
Deutsch	Lofgren	Scott
Dicks	Lowey	Serrano
Dingell	Luther	Shaw
Doggett	Maloney (NY)	Sisisky
Dooley	Manton	Skaggs
Doyle	Markey	Slaughter
Edwards	Martinez	Smith, Adam
Engel	Mascara	Snyder
Eshoo	Matsui	Spratt
Evans	McCarthy (MO)	Stabenow
Farr	McDermott	Stark
Fattah	McGovern	Stenholm
Fazio	McHale	Stokes
Filner	McKinney	Strickland
Ford	McNulty	Stupak
Frank (MA)	Meehan	Tauscher
Frost	Meek (FL)	Thompson
Furse	Meeks (NY)	Thurman
Gejdenson	Menendez	Tierney
Gephardt	Millender-McDonald	Torres
Gillmor	Miller (CA)	Towns
Gutierrez	Minge	Turner
Hall (OH)	Mink	Velazquez
Hamilton	Moakley	Vento
Hill	Mollohan	Visclosky
Hilliard	Moran (VA)	Walsh
Hinchey	Morella	Waters
Hinojosa	Murtha	Watt (NC)
Holden	Nadler	Waxman
Hooley	Neal	Wexler
Hostettler	Oberstar	Weygand
Houghton	Obey	Wise
Hoyer	Olver	Woolsey
Jackson (IL)		Wynn
		Yates

NOT VOTING—9

Bateman	Gonzalez	Istook
Brown (CA)	Hastings (FL)	Schumer
Dixon	Hefner	Tanner

□ 1758

So (two-thirds not having voted in favor thereof) the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

PERSONAL EXPLANATION

Mr. ISTOOK. Mr. Speaker, I regret could not be present to vote for the Tax Limitation Amendment. I am attending a special family milestone—my oldest son's graduation from college. Had I been present I would have voted AYE.

CONFERENCE REPORT ON S. 1150, AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998

Mr. SMITH of Oregon submitted the following conference report and statement on the Senate bill (S. 1150) to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes:

CONFERENCE REPORT (H. REPT. 105–492)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1150), to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Agricultural Research, Extension, and Education Reform Act of 1998''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) 1862 INSTITUTION.—The term ''1862 Institution'' means a college or university eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.).

(2) 1890 INSTITUTION.—The term ''1890 Institution'' means a college or university eligible to receive funds under the Act of August 30, 1890 (26 Stat. 419, chapter 841; 7 U.S.C. 321 et seq.), including Tuskegee University.

(3) 1994 INSTITUTION.—The term ''1994 Institution'' means 1 of the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note)) (as amended by section 251(a)).

(4) ADVISORY BOARD.—The term ''Advisory Board'' means the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123).

(5) DEPARTMENT.—The term ''Department'' means the Department of Agriculture.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 3. SHORT TITLES FOR SMITH-LEVER ACT AND HATCH ACT OF 1887.

(a) SMITH-LEVER ACT.—The Act of May 8, 1914 (commonly known as the ''Smith-Lever Act'') (38 Stat. 372, chapter 79; 7 U.S.C. 341 et seq.), is amended by adding at the end the following:

''SEC. 11. SHORT TITLE.

''This Act may be cited as the 'Smith-Lever Act'.''.

(b) HATCH ACT OF 1887.—The Act of March 2, 1887 (commonly known as the ''Hatch Act of 1887'') (24 Stat. 440, chapter 314; 7 U.S.C. 361a et seq.), is amended by adding at the end the following:

''SEC. 10. SHORT TITLE.

''This Act may be cited as the 'Hatch Act of 1887'.''.

TITLE I—PRIORITIES, SCOPE, REVIEW, AND COORDINATION OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

SEC. 101. STANDARDS FOR FEDERAL FUNDING OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

(a) IN GENERAL.—The Secretary shall ensure that agricultural research, extension, or education activities described in subsection (b) address a concern that—

(1) is a priority, as determined under section 102(a); and

(2) has national, multistate, or regional significance.

(b) APPLICATION.—Subsection (a) applies to—

(1) research activities conducted by the Agricultural Research Service; and

(2) research, extension, or education activities administered, on a competitive basis, by the Cooperative State Research, Education, and Extension Service.

SEC. 102. PRIORITY SETTING PROCESS.

(a) ESTABLISHMENT.—Consistent with section 1402 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101), the Secretary shall establish priorities for agricultural research, extension, and education activities conducted or funded by the Department.

(b) RESPONSIBILITIES OF SECRETARY.—In establishing priorities for agricultural research, extension, and education activities conducted or funded by the Department, the Secretary shall solicit and consider input and recommendations from persons who conduct or use agricultural research, extension, or education.

(c) RESPONSIBILITIES OF 1862, 1890, AND 1994 INSTITUTIONS.—

(1) PROCESS.—Effective October 1, 1999, to obtain agricultural research, extension, or education formula funds from the Secretary, each 1862 Institution, 1890 Institution, and 1994 Institution shall establish and implement a process for obtaining input from persons who conduct or use agricultural research, extension, or education concerning the use of the funds.

(2) REGULATIONS.—The Secretary shall promulgate regulations that prescribe—

(A) the requirements for an institution referred to in paragraph (1) to comply with paragraph (1); and

(B) the consequences for an institution of not complying with paragraph (1), which may include the withholding or redistribution of funds to which the institution may be entitled until the institution complies with paragraph (1).

(d) MANAGEMENT PRINCIPLES.—To the maximum extent practicable, the Secretary shall ensure that federally supported and conducted agricultural research, extension, and education activities are accomplished in a manner that—

(1) integrates agricultural research, extension, and education functions to better link research to technology transfer and information dissemination activities;

(2) encourages regional and multistate programs to address relevant issues of common concern and to better leverage scarce resources; and

(3) achieves agricultural research, extension, and education objectives through multi-institutional and multifunctional approaches and by conducting research at facilities and institutions best equipped to achieve those objectives.

SEC. 103. RELEVANCE AND MERIT OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION FUNDED BY THE DEPARTMENT.

(a) REVIEW OF COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE.—

(1) PEER REVIEW OF RESEARCH GRANTS.—The Secretary shall establish procedures that provide for scientific peer review of each agricultural research grant administered, on a competitive basis, by the Cooperative State Research, Education, and Extension Service of the Department.

(2) MERIT REVIEW OF EXTENSION AND EDUCATION GRANTS.—

(A) ESTABLISHMENT OF PROCEDURES.—The Secretary shall establish procedures that provide for merit review of each agricultural extension or education grant administered, on a competitive basis, by the Cooperative State Research, Education, and Extension Service.

(B) CONSULTATION WITH ADVISORY BOARD.—The Secretary shall consult with the Advisory Board in establishing the merit review procedures.

(b) ADVISORY BOARD REVIEW.—On an annual basis, the Advisory Board shall review—

(1) the relevance to the priorities established under section 102(a) of the funding of all agricultural research, extension, or education activities conducted or funded by the Department; and

(2) the adequacy of the funding.

(c) REQUESTS FOR PROPOSALS.—

(1) REVIEW RESULTS.—As soon as practicable after the review is conducted under subsection (b) for a fiscal year, the Secretary shall consider the results of the review when formulating each request for proposals, and evaluating proposals, involving an agricultural research, extension, or education activity funded, on a competitive basis, by the Department.

(2) INPUT.—In formulating a request for proposals described in paragraph (1) for a fiscal year, the Secretary shall solicit and consider input from persons who conduct or use agricultural research, extension, or education regarding the prior year's request for proposals.

(d) SCIENTIFIC PEER REVIEW OF AGRICULTURAL RESEARCH.—

(1) PEER REVIEW PROCEDURES.—The Secretary shall establish procedures that ensure scientific peer review of all research activities conducted by the Department.

(2) REVIEW PANEL REQUIRED.—As part of the procedures established under paragraph (1), a review panel shall verify, at least once every 5 years, that each research activity of the Department and research conducted under each research program of the Department has scientific merit and relevance.

(3) MISSION AREA.—If the research activity or program to be reviewed is included in the research, educational, and economics mission area of the Department, the review panel shall consider—

(A) the scientific merit and relevance of the activity or research in light of the priorities established pursuant to section 102; and

(B) the national or multistate significance of the activity or research.

(4) COMPOSITION OF REVIEW PANEL.—

(A) IN GENERAL.—A review panel shall be composed of individuals with scientific expertise, a majority of whom are not employees of the agency whose research is being reviewed.

(B) SCIENTISTS FROM COLLEGES AND UNIVERSITIES.—To the maximum extent practicable, the Secretary shall use scientists from colleges and universities to serve on the review panels.

(5) SUBMISSION OF RESULTS.—The results of the panel reviews shall be submitted to the Advisory Board.

(e) MERIT REVIEW.—

(1) 1862 AND 1890 INSTITUTIONS.—Effective October 1, 1999, to be eligible to obtain agricultural research or extension funds from the Secretary for an activity, each 1862 Institution and 1890 Institution shall—

(A) establish a process for merit review of the activity; and

(B) review the activity in accordance with the process.

(2) 1994 INSTITUTIONS.—Effective October 1, 1999, to be eligible to obtain agricultural extension funds from the Secretary for an activity, each 1994 Institution shall—

(A) establish a process for merit review of the activity; and

(B) review the activity in accordance with the process.

(f) REPEAL OF PROVISIONS FOR WITHHOLDING FUNDS.—

(1) SMITH-LEVER ACT.—Section 6 of the Smith-Lever Act (7 U.S.C. 346) is repealed.

(2) HATCH ACT OF 1887.—Section 7 of the Hatch Act of 1887 (7 U.S.C. 361g) is amended by striking the last paragraph.

(3) NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended—

(A) in section 1444 (7 U.S.C. 3221)—

(i) by striking subsection (f); and

(ii) by redesignating subsection (g) as subsection (f);

(B) in section 1445(g) (7 U.S.C. 3222(g)), by striking paragraph (3); and

(C) by striking section 1468 (7 U.S.C. 3314).

SEC. 104. RESEARCH FORMULA FUNDS FOR 1862 INSTITUTIONS.

(a) IN GENERAL.—Section 3 of the Hatch Act of 1887 (7 U.S.C. 361c) is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs 1, 2, 3, and 5 as paragraphs (1), (2), (3), and (4), respectively; and

(B) by striking paragraph (3) and inserting the following:

''(3) Not less than 25 percent shall be allotted to the States for cooperative research employing multidisciplinary approaches in which a State agricultural experiment station, working with another State agricultural experiment station, the Agricultural Research Service, or a college or university, cooperates to solve problems that concern more than 1 State. The funds available under this paragraph, together with the funds available under subsection (b) for a similar purpose, shall be designated as the 'Multistate Research Fund, State Agricultural Experiment Stations.''; and

(2) by adding at the end the following:

''(h) PEER REVIEW AND PLAN OF WORK.—

''(1) PEER REVIEW.—Research carried out under subsection (c)(3) shall be subject to scientific peer review. The review of a project conducted under this paragraph shall be considered to satisfy the merit review requirements of section 103(e) of the Agricultural Research, Extension, and Education Reform Act of 1998.

''(2) PLAN OF WORK.—The State shall include in the plan of work of the State required under section 7 a description of the manner in which the State will meet the requirements of subsection (c)(3).''.

(b) CONFORMING AMENDMENTS.—Section 3 of the Hatch Act of 1887 (7 U.S.C. 361c) is amended—

(1) in subsection (b)(1), by striking ''subsection 3(c)(3)'' and inserting ''subsection (c)(3)''; and

(2) in subsection (e), by striking ''subsection 3(c)3'' and inserting ''subsection (c)(3)''.

SEC. 105. EXTENSION FORMULA FUNDS FOR 1862 INSTITUTIONS.

Section 3 of the Smith-Lever Act (7 U.S.C. 343) is amended by adding at the end the following:

''(h) MULTISTATE COOPERATIVE EXTENSION ACTIVITIES.—

''(1) IN GENERAL.—Not less than the applicable percentage specified under paragraph (2) of the amounts that are paid to a State under subsections (b) and (c) during a fiscal year shall be expended by States for cooperative extension activities in which 2 or more States cooperate to solve problems that concern more than 1 State (referred to in this subsection as 'multistate activities').

''(2) APPLICABLE PERCENTAGES.—

''(A) 1997 EXPENDITURES ON MULTISTATE ACTIVITIES.—Of the Federal formula funds that were paid to each State for fiscal year 1997 under subsections (b) and (c), the Secretary of Agriculture shall determine the percentage that the State expended for multistate activities.

''(B) REQUIRED EXPENDITURES ON MULTISTATE ACTIVITIES.—Of the Federal formula funds that are paid to each State for fiscal year 2000 and each subsequent fiscal year under subsections (b) and (c), the State shall expend for the fiscal year for multistate activities a percentage that is at least equal to the lesser of—

''(i) 25 percent; or

''(ii) twice the percentage for the State determined under subparagraph (A).

''(C) REDUCTION BY SECRETARY.—The Secretary may reduce the minimum percentage required to be expended for multistate activities under subparagraph (B) by a State in a case of hardship, infeasibility, or other similar circumstance beyond the control of the State, as determined by the Secretary.

''(D) PLAN OF WORK.—The State shall include in the plan of work of the State required under section 4 a description of the manner in which the State will meet the requirements of this paragraph.

''(3) APPLICABILITY.—This subsection does not apply to funds provided—

''(A) by a State or local government pursuant to a matching requirement;

''(B) to a 1994 Institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note)); or

''(C) to the Commonwealth of Puerto Rico, the Virgin Islands, or Guam.

''(i) MERIT REVIEW.—

''(1) REVIEW REQUIRED.—Effective October 1, 1999, extension activity carried out under subsection (h) shall be subject to merit review.

''(2) OTHER REQUIREMENTS.—An extension activity for which merit review is conducted under paragraph (1) shall be considered to have satisfied the requirements for review under section 103(e) of the Agricultural Research, Extension, and Education Reform Act of 1998.''.

SEC. 106. RESEARCH FACILITIES.

(a) CRITERIA FOR APPROVAL.—Section 3(c)(2)(C)(ii) of the Research Facilities Act (7 U.S.C. 390a(c)(2)(C)(ii)) is amended by striking ''regional needs'' and inserting ''national or multistate needs''.

(b) NATIONAL OR MULTISTATE NEEDS SERVED BY ARS FACILITIES.—Section 3 of the Research Facilities Act (7 U.S.C. 390a) is amended by adding at the end the following:

''(e) NATIONAL OR MULTISTATE NEEDS SERVED BY ARS FACILITIES.—The Secretary shall ensure that each research activity conducted by a facility of the Agricultural Research Service serves a national or multistate need.''.

(c) 10-YEAR STRATEGIC PLAN.—Section 4(d) of the Research Facilities Act (7 U.S.C. 390b(d)) is amended by striking ''regional'' and inserting ''multistate''.

(d) COMPREHENSIVE RESEARCH CAPACITY.—Section 4 of the Research Facilities Act (7 U.S.C. 390b) is amended by adding at the end the following:

''(g) COMPREHENSIVE RESEARCH CAPACITY.—After submission of the 10-year strategic plan required under subsection (d), the Secretary shall continue to review periodically each operating agricultural research facility constructed in whole or in part with Federal funds, and each planned agricultural research facility proposed to be constructed in whole or in part with Federal funds, pursuant to criteria established by the Secretary, to ensure that a comprehensive research capacity is maintained.''.

TITLE II—REFORM OF EXISTING AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION AUTHORITIES

Subtitle A—Smith-Lever Act and Hatch Act of 1887

SEC. 201. COOPERATIVE AGRICULTURAL EXTENSION WORK BY 1862, 1890, AND 1994 INSTITUTIONS.

Section 3(b)(3) of the Smith-Lever Act (7 U.S.C. 343(b)(3)) is amended in the last sentence by striking ''State institutions'' and all that follows through the period at the end and inserting ''1994 Institutions (in accordance with regulations that the Secretary may promulgate) and may be administered by the 1994 Institutions through cooperative agreements with colleges and universities eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.), or the Act of August 30, 1890 (26 Stat. 419, chapter 841; 7 U.S.C. 321 et seq.), including Tuskegee University, located in any State.''.

SEC. 202. PLANS OF WORK TO ADDRESS CRITICAL RESEARCH AND EXTENSION ISSUES AND USE OF PROTOCOLS TO MEASURE SUCCESS OF PLANS.

(a) SMITH-LEVER ACT.—Section 4 of the Smith-Lever Act (7 U.S.C. 344) is amended—

(1) by striking ''SEC. 4.'' and inserting the following:

''SEC. 4. ASCERTAINMENT OF ENTITLEMENT OF STATE TO FUNDS; TIME AND MANNER OF PAYMENT; STATE REPORTING REQUIREMENTS; PLANS OF WORK.

''(a) ASCERTAINMENT OF ENTITLEMENT.—'';

(2) in the last sentence, by striking ''Such sums'' and inserting the following:

''(b) TIME AND MANNER OF PAYMENT; RELATED REPORTS.—The amount to which a State is entitled''; and

(3) by adding at the end the following:

''(c) REQUIREMENTS RELATED TO PLAN OF WORK.—Each extension plan of work for a State required under subsection (a) shall contain descriptions of the following:

''(1) The critical short-term, intermediate, and long-term agricultural issues in the State and the current and planned extension programs and projects targeted to address the issues.

''(2) The process established to consult with extension users regarding the identification of critical agricultural issues in the State and the development of extension programs and projects targeted to address the issues.

''(3) The efforts made to identify and collaborate with other colleges and universities within the State, and within other States, that have a unique capacity to address the identified agricultural issues in the State and the extent of current and emerging efforts (including regional efforts) to work with those other institutions.

''(4) The manner in which research and extension, including research and extension activities funded other than through formula funds, will cooperate to address the critical issues in the State, including the activities to be carried out separately, the activities to be carried out sequentially, and the activities to be carried out jointly.

''(5) The education and outreach programs already underway to convey available research results that are pertinent to a critical agricultural issue, including efforts to encourage multicounty cooperation in the dissemination of research results.

''(d) EXTENSION PROTOCOLS.—

''(1) DEVELOPMENT.—The Secretary of Agriculture shall develop protocols to be used to evaluate the success of multistate, multi-institutional, and multidisciplinary extension activities and joint research and extension activities in addressing critical agricultural issues identified in the plans of work submitted under subsection (a).

''(2) CONSULTATION.—The Secretary of Agriculture shall develop the protocols in consultation with the National Agricultural Research,

Extension, Education, and Economics Advisory Board established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) and land-grant colleges and universities.

''(e) TREATMENT OF PLANS OF WORK FOR OTHER PURPOSES.—To the maximum extent practicable, the Secretary shall consider a plan of work submitted under subsection (a) to satisfy other appropriate Federal reporting requirements.''.

(b) HATCH ACT OF 1887.—Section 7 of the Hatch Act of 1887 (7 U.S.C. 361g) (as amended by section 103(f)(2)) is amended—

(1) by striking ''SEC. 7.'' and inserting the following:

''SEC. 7. DUTIES OF SECRETARY; ASCERTAINMENT OF ENTITLEMENT OF STATE TO FUNDS; PLANS OF WORK.

''(a) DUTIES OF SECRETARY.—'';

(2) by striking ''On or before'' and inserting the following:

''(b) ASCERTAINMENT OF ENTITLEMENT.—On or before'';

(3) by striking ''Whenever it shall appear'' and inserting the following:

''(c) EFFECT OF FAILURE TO EXPEND FULL ALLOTMENT.—Whenever it shall appear''; and

(4) by adding at the end the following:

''(d) PLAN OF WORK REQUIRED.—Before funds may be provided to a State under this Act for any fiscal year, a plan of work to be carried out under this Act shall be submitted by the proper officials of the State and shall be approved by the Secretary of Agriculture.

''(e) REQUIREMENTS RELATED TO PLAN OF WORK.—Each plan of work for a State required under subsection (d) shall contain descriptions of the following:

''(1) The critical short-term, intermediate, and long-term agricultural issues in the State and the current and planned research programs and projects targeted to address the issues.

''(2) The process established to consult with users of agricultural research regarding the identification of critical agricultural issues in the State and the development of research programs and projects targeted to address the issues.

''(3) The efforts made to identify and collaborate with other colleges and universities within the State, and within other States, that have a unique capacity to address the identified agricultural issues in the State and the extent of current and emerging efforts (including regional efforts) to work with those other institutions.

''(4) The manner in which research and extension, including research and extension activities funded other than through formula funds, will cooperate to address the critical issues in the State, including the activities to be carried out separately, the activities to be carried out sequentially, and the activities to be carried out jointly.

''(f) RESEARCH PROTOCOLS.—

''(1) DEVELOPMENT.—The Secretary of Agriculture shall develop protocols to be used to evaluate the success of multistate, multi-institutional, and multidisciplinary research activities and joint research and extension activities in addressing critical agricultural issues identified in the plans of work submitted under subsection (d).

''(2) CONSULTATION.—The Secretary of Agriculture shall develop the protocols in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) and land-grant colleges and universities.

''(g) TREATMENT OF PLANS OF WORK FOR OTHER PURPOSES.—To the maximum extent practicable, the Secretary shall consider a plan of work submitted under subsection (d) to satisfy other appropriate Federal reporting requirements.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 1999.

SEC. 203. CONSISTENT MATCHING FUNDS REQUIREMENTS UNDER HATCH ACT OF 1887 AND SMITH-LEVER ACT.

(a) HATCH ACT OF 1887.—Section 3 of the Hatch Act of 1887 (7 U.S.C. 361c) is amended by striking subsection (d) and inserting the following:

''(d) MATCHING FUNDS.—

''(1) REQUIREMENT.—No allotment shall be made to a State under subsection (b) or (c), and no payments from the allotment shall be made to a State, in excess of the amount that the State makes available out of non-Federal funds for agricultural research and for the establishment and maintenance of facilities for the performance of the research.

''(2) FAILURE TO PROVIDE MATCHING FUNDS.—If a State fails to comply with the requirement to provide matching funds for a fiscal year under paragraph (1), the Secretary of Agriculture shall withhold from payment to the State for that fiscal year an amount equal to the difference between—

''(A) the amount that would be allotted and paid to the State under subsections (b) and (c) (if the full amount of matching funds were provided by the State); and

''(B) the amount of matching funds actually provided by the State.

''(3) REAPPORTIONMENT.—

''(A) IN GENERAL.—The Secretary of Agriculture shall reapportion amounts withheld under paragraph (2) for a fiscal year among the States satisfying the matching requirement for that fiscal year.

''(B) MATCHING REQUIREMENT.—Any reapportionment of funds under this paragraph shall be subject to the matching requirement specified in paragraph (1).''.

(b) SMITH-LEVER ACT.—Section 3 of the Smith-Lever Act (7 U.S.C. 343) is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs 1 and 2 as paragraphs (1) and (2), respectively; and

(B) in paragraph (2) (as so redesignated), by striking ''census: Provided, That payments'' and all that follows through ''Provided further, That any'' and inserting ''census. Any''; and

(2) by striking subsections (e) and (f) and inserting the following:

''(e) MATCHING FUNDS.—

''(1) REQUIREMENT.—Except as provided in subsection (f), no allotment shall be made to a State under subsection (b) or (c), and no payments from the allotment shall be made to a State, in excess of the amount that the State makes available out of non-Federal funds for cooperative extension work.

''(2) FAILURE TO PROVIDE MATCHING FUNDS.—If a State fails to comply with the requirement to provide matching funds for a fiscal year under paragraph (1), the Secretary of Agriculture shall withhold from payment to the State for that fiscal year an amount equal to the difference between—

''(A) the amount that would be allotted and paid to the State under subsections (b) and (c) (if the full amount of matching funds were provided by the State); and

''(B) the amount of matching funds actually provided by the State.

''(3) REAPPORTIONMENT.—

''(A) IN GENERAL.—The Secretary of Agriculture shall reapportion amounts withheld under paragraph (2) for a fiscal year among the States satisfying the matching requirement for that fiscal year.

''(B) MATCHING REQUIREMENT.—Any reapportionment of funds under this paragraph shall be subject to the matching requirement specified in paragraph (1).

''(f) MATCHING FUNDS EXCEPTION FOR 1994 INSTITUTIONS.—There shall be no matching requirement for funds made available to a 1994 Institution pursuant to subsection (b)(3).''.

(c) TECHNICAL CORRECTIONS.—

(1) RECOGNITION OF STATEHOOD OF ALASKA AND HAWAII.—Section 1 of the Hatch Act of 1887 (7 U.S.C. 361a) is amended in the second sentence by striking ''Alaska, Hawaii,''.

(2) ROLE OF SECRETARY OF AGRICULTURE.—Section 3 of the Smith-Lever Act (7 U.S.C. 343) is amended—

(A) in subsections (b)(1), (c), and (d), by striking ''Federal Extension Service'' each place it appears and inserting ''Secretary of Agriculture''; and

(B) in subsection (g)(1), by striking ''through the Federal Extension Service''.

(3) REFERENCES TO REGIONAL RESEARCH FUND.—Section 5 of the Hatch Act of 1887 (7 U.S.C. 361e) is amended in the first sentence by striking ''regional research fund authorized by subsection 3(c)(3)'' and inserting ''Multistate Research Fund, State Agricultural Experiment Stations''.

SEC. 204. INTEGRATION OF RESEARCH AND EXTENSION.

(a) IN GENERAL.—Section 3 of the Hatch Act of 1887 (7 U.S.C. 361c) (as amended by section 104(a)(2)) is amended by adding at the end the following:

''(i) INTEGRATION OF RESEARCH AND EXTENSION.—

''(1) IN GENERAL.—Not less than the applicable percentage specified under paragraph (2) of the Federal formula funds that are paid under this Act and subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343) to colleges and universities eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.), during a fiscal year shall be expended for activities that integrate cooperative research and extension (referred to in this subsection as 'integrated activities').

''(2) APPLICABLE PERCENTAGES.—

''(A) 1997 EXPENDITURES ON MULTISTATE ACTIVITIES.—Of the Federal formula funds that were paid to each State for fiscal year 1997 under this Act and subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343), the Secretary of Agriculture shall determine the percentage that the State expended for integrated activities.

''(B) REQUIRED EXPENDITURES ON MULTISTATE ACTIVITIES.—Of the Federal formula funds that are paid to each State for fiscal year 2000 and each subsequent fiscal year under this Act and subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343), the State shall expend for the fiscal year for integrated activities a percentage that is at least equal to the lesser of—

''(i) 25 percent; or

''(ii) twice the percentage for the State determined under subparagraph (A).

''(C) REDUCTION BY SECRETARY.—The Secretary of Agriculture may reduce the minimum percentage required to be expended by a State for integrated activities under subparagraph (B) in a case of hardship, infeasibility, or other similar circumstance beyond the control of the State, as determined by the Secretary.

''(D) PLAN OF WORK.—The State shall include in the plan of work of the State required under section 7 of this Act or section 4 of the Smith-Lever Act (7 U.S.C. 344), as applicable, a description of the manner in which the State will meet the requirements of this paragraph.

''(3) APPLICABILITY.—This subsection does not apply to funds provided—

''(A) by a State or local government pursuant to a matching requirement;

''(B) to a 1994 Institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note)); or

''(C) to the Commonwealth of Puerto Rico, the Virgin Islands, or Guam.

''(4) RELATIONSHIP TO OTHER REQUIREMENTS.—Federal formula funds described in paragraph (1) that are used by a State for a fiscal year for integrated activities in accordance with paragraph (2)(B) may also be used to satisfy the multistate activities requirements of subsection (c)(3) of this section and section 3(h) of the Smith-Lever Act (7 U.S.C. 343(h)) for the same fiscal year.''.

(b) CONFORMING AMENDMENT.—Section 3 of the Smith-Lever Act (7 U.S.C. 343) (as amended by section 105) is amended by adding at the end the following:

''(j) INTEGRATION OF RESEARCH AND EXTENSION.—Section 3(i) of the Hatch Act of 1887 (7 U.S.C. 361c(i)) shall apply to amounts made available to carry out this Act.''.

Subtitle B—Competitive, Special, and Facilities Research Grant Act

SEC. 211. COMPETITIVE GRANTS.

The Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) is amended in subsection (b)—

(1) in the first sentence of paragraph (1), by inserting ''national laboratories,'' after ''Federal agencies,'';

(2) in paragraph (2), by striking ''regional'' and inserting ''multistate'';

(3) in the second sentence of paragraph (3)(E), by striking ''an individual shall have less than'' and all that follows through ''research experience'' and inserting ''an individual shall be within 5 years of the individual's initial career track position''; and

(4) in paragraph (8)(B)—

(A) by striking ''the cost'' and inserting ''the cost of''; and

(B) by adding at the end the following: ''The Secretary may waive all or part of the matching requirement under this subparagraph in the case of a smaller college or university (as described in section 793(c)(2)(C)(ii) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2204f(c)(2)(C)(ii))) if the equipment to be acquired costs not more than $25,000 and has multiple uses within a single research project or is usable in more than 1 research project.''.

SEC. 212. SPECIAL GRANTS.

The Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) is amended in subsection (c)—

(1) in paragraph (1)—

(A) by striking ''5 years'' and inserting ''3 years'';

(B) in subparagraph (A), by inserting '', extension, or education activities'' after ''conducting research''; and

(C) in subparagraph (B)—

(i) in the matter preceding clause (i), by inserting '', extension, or education'' after ''agricultural research'';

(ii) in clause (i), by inserting '', extension, or education'' after ''research''; and

(iii) in clause (iv), by striking ''among States through regional research'' and inserting '', extension, or education among States through regional''; and

(2) by adding at the end the following:

''(5) REVIEW REQUIREMENTS.—

''(A) RESEARCH ACTIVITIES.—The Secretary shall make a grant under this subsection for a research activity only if the activity has undergone scientific peer review arranged by the grantee in accordance with regulations promulgated by the Secretary.

''(B) EXTENSION AND EDUCATION ACTIVITIES.—The Secretary shall make a grant under this subsection for an extension or education activity only if the activity has undergone merit review arranged by the grantee in accordance with regulations promulgated by the Secretary.

''(6) REPORTS.—

''(A) IN GENERAL.—A recipient of a grant under this subsection shall submit to the Secretary on an annual basis a report describing the results of the research, extension, or education activity and the merit of the results.

''(B) PUBLIC AVAILABILITY.—

''(i) IN GENERAL.—Except as provided in clause (ii), on request, the Secretary shall make the report available to the public.

''(ii) EXCEPTIONS.—Clause (i) shall not apply to the extent that making the report, or a part of the report, available to the public is not authorized or permitted by section 552 of title 5, United States Code, or section 1905 of title 18, United States Code.''.

Subtitle C—National Agricultural Research, Extension, and Teaching Policy Act of 1977

SEC. 221. DEFINITIONS REGARDING AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

(a) FOOD AND AGRICULTURAL SCIENCES.—Section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103) is amended by striking paragraph (8) and inserting the following:

''(8) FOOD AND AGRICULTURAL SCIENCES.—The term 'food and agricultural sciences' means basic, applied, and developmental research, extension, and teaching activities in food and fiber, agricultural, renewable natural resources, forestry, and physical and social sciences, including activities relating to the following:

''(A) Animal health, production, and well-being.

''(B) Plant health and production.

''(C) Animal and plant germ plasm collection and preservation.

''(D) Aquaculture.

''(E) Food safety.

''(F) Soil and water conservation and improvement.

''(G) Forestry, horticulture, and range management.

''(H) Nutritional sciences and promotion.

''(I) Farm enhancement, including financial management, input efficiency, and profitability.

''(J) Home economics.

''(K) Rural human ecology.

''(L) Youth development and agricultural education, including 4–H clubs.

''(M) Expansion of domestic and international markets for agricultural commodities and products, including agricultural trade barrier identification and analysis.

''(N) Information management and technology transfer related to agriculture.

''(O) Biotechnology related to agriculture.

''(P) The processing, distributing, marketing, and utilization of food and agricultural products.''.

(b) REFERENCES TO TEACHING OR EDUCATION.—Section 1404(14) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(14)) is amended by striking ''the term 'teaching' means'' and inserting ''TEACHING AND EDUCATION.—The terms 'teaching' and 'education' mean''.

(c) CONFORMING AMENDMENTS.—Section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103) is amended—

(1) in the matter preceding paragraph (1), by striking ''title—'' and inserting ''title:'';

(2) in paragraphs (1), (2), (3), (5), (6), (7), (10) through (13), (15), (16), and (17), by striking ''the term'' each place it appears and inserting ''The term'';

(3) in paragraph (4), by striking ''the terms'' and inserting ''The terms'';

(4) in paragraph (9), by striking ''the term'' the first place it appears and inserting ''The term'';

(5) by striking the semicolon at the end of paragraphs (1) through (7) and (9) through (15) and inserting a period; and

(6) in paragraph (16)(F), by striking ''; and'' and inserting a period.

SEC. 222. ADVISORY BOARD.

(a) REPRESENTATION ON BOARD.—Section 1408(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(b)) is amended by adding at the end the following:

''(7) EQUAL REPRESENTATION OF PUBLIC AND PRIVATE SECTOR MEMBERS.—In appointing members to serve on the Advisory Board, the Secretary shall ensure, to the maximum extent practicable, equal representation of public and private sector members.''.

(b) CONSULTATION.—Section 1408(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(d)) is amended—

(1) by striking ''In'' and inserting the following:

''(1) DUTIES OF ADVISORY BOARD.—In''; and

(2) by adding at the end the following:

''(2) DUTIES OF SECRETARY.—To comply with a provision of this title or any other law that requires the Secretary to consult or cooperate with the Advisory Board or that authorizes the Advisory Board to submit recommendations to the Secretary, the Secretary shall—

''(A) solicit the written opinions and recommendations of the Advisory Board; and

''(B) provide a written response to the Advisory Board regarding the manner and extent to which the Secretary will implement recommendations submitted by the Advisory Board.''.

(c) LIMITATION ON EXPENSES OF ADVISORY BOARD.—Section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

''(g) ANNUAL LIMITATION ON ADVISORY BOARD EXPENSES.—

''(1) MAXIMUM AMOUNT.—Not more than $350,000 may be used to cover the necessary expenses of the Advisory Board for each fiscal year.

''(2) GENERAL LIMITATION.—The expenses of the Advisory Board shall not be counted toward any general limitation on the expenses of advisory committees, panels, commissions, and task forces of the Department of Agriculture contained in any Act making appropriations for the Department of Agriculture, whether enacted before, on, or after the date of enactment of this paragraph, unless the appropriation Act specifically refers to this subsection and specifically includes this Advisory Board within the general limitation.''.

SEC. 223. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

Section 1417 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152) is amended—

(1) by redesignating subsections (c), (d), (e), (f), (g), (h), (i), and (j) as subsections (d), (f), (g), (h), (i), (j), (k), and (l), respectively;

(2) by inserting after subsection (b) the following:

''(c) PRIORITIES.—In awarding grants under subsection (b), the Secretary shall give priority to—

''(1) applications for teaching enhancement projects that demonstrate enhanced coordination among all types of institutions eligible for funding under this section; and

''(2) applications for teaching enhancement projects that focus on innovative, multidisciplinary education programs, material, and curricula.''; and

(3) by inserting after subsection (d) (as redesignated by paragraph (1)) the following:

''(e) FOOD AND AGRICULTURAL EDUCATION INFORMATION SYSTEM.—From amounts made available for grants under this section, the Secretary may maintain a national food and agricultural education information system that contains—

''(1) information on enrollment, degrees awarded, faculty, and employment placement in the food and agricultural sciences; and

''(2) such other similar information as the Secretary considers appropriate.''.

SEC. 224. POLICY RESEARCH CENTERS.

Section 1419A(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155(a)) is amended by inserting ''and trade agreements'' after ''public policies''.

SEC. 225. PLANS OF WORK FOR 1890 INSTITUTIONS TO ADDRESS CRITICAL RESEARCH AND EXTENSION ISSUES AND USE OF PROTOCOLS TO MEASURE SUCCESS OF PLANS.

(a) EXTENSION AT 1890 INSTITUTIONS.—Section 1444(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(d)) is amended—

(1) by striking ''(d)'' and inserting the following:

''(d) ASCERTAINMENT OF ENTITLEMENT TO FUNDS; TIME AND MANNER OF PAYMENT; STATE REPORTING REQUIREMENTS; PLANS OF WORK.—

''(1) ASCERTAINMENT OF ENTITLEMENT.—'';

(2) in the last sentence, by striking ''Such sums'' and inserting the following:

''(2) TIME AND MANNER OF PAYMENT; RELATED REPORTS.—The amount to which an eligible institution is entitled''; and

(3) by adding at the end the following:

''(3) REQUIREMENTS RELATED TO PLAN OF WORK.—Each plan of work for an eligible institution required under this section shall contain descriptions of the following:

''(A) The critical short-term, intermediate, and long-term agricultural issues in the State in which the eligible institution is located and the current and planned extension programs and projects targeted to address the issues.

''(B) The process established to consult with extension users regarding the identification of critical agricultural issues in the State and the development of extension programs and projects targeted to address the issues.

''(C) The efforts made to identify and collaborate with other colleges and universities within the State, and within other States, that have a unique capacity to address the identified agricultural issues in the State and the extent of current and emerging efforts (including regional extension efforts) to work with those other institutions.

''(D) The manner in which research and extension, including research and extension activities funded other than through formula funds, will cooperate to address the critical issues in the State, including the activities to be carried out separately, the activities to be carried out sequentially, and the activities to be carried out jointly.

''(E) The education and outreach programs already underway to convey currently available research results that are pertinent to a critical agricultural issue, including efforts to encourage multicounty cooperation in the dissemination of research results.

''(4) EXTENSION PROTOCOLS.—

''(A) IN GENERAL.—The Secretary shall develop protocols to be used to evaluate the success of multistate, multi-institutional, and multidisciplinary extension activities and joint research and extension activities in addressing critical agricultural issues identified in the plans of work submitted under this section.

''(B) CONSULTATION.—The Secretary shall develop the protocols in consultation with the Advisory Board and land-grant colleges and universities.

''(5) TREATMENT OF PLANS OF WORK FOR OTHER PURPOSES.—To the maximum extent practicable, the Secretary shall consider a plan of work submitted under this section to satisfy other appropriate Federal reporting requirements.''.

(b) AGRICULTURAL RESEARCH AT 1890 INSTITUTIONS.—Section 1445(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(c)) is amended—

(1) by striking ''(c)'' and inserting the following:

''(c) PROGRAM AND PLANS OF WORK.—

''(1) INITIAL COMPREHENSIVE PROGRAM OF AGRICULTURAL RESEARCH.—''; and

(2) by adding at the end the following:

''(2) PLAN OF WORK REQUIRED.—Before funds may be provided to an eligible institution under this section for any fiscal year, a plan of work to be carried out under this section shall be submitted by the research director specified in subsection (d) and shall be approved by the Secretary.

''(3) REQUIREMENTS RELATED TO PLAN OF WORK.—Each plan of work required under paragraph (2) shall contain descriptions of the following:

''(A) The critical short-term, intermediate, and long-term agricultural issues in the State in which the eligible institution is located and the current and planned research programs and projects targeted to address the issues.

''(B) The process established to consult with users of agricultural research regarding the identification of critical agricultural issues in the State and the development of research programs and projects targeted to address the issues.

''(C) Other colleges and universities within the State, and within other States, that have a unique capacity to address the identified agricultural issues in the State.

''(D) The current and emerging efforts to work with those other institutions to build on each other's experience and take advantage of each institution's unique capacities.

''(E) The manner in which research and extension, including research and extension activities funded other than through formula funds, will cooperate to address the critical issues in the State, including the activities to be carried out separately, the activities to be carried out sequentially, and the activities to be carried out jointly.

''(4) RESEARCH PROTOCOLS.—

''(A) IN GENERAL.—The Secretary shall develop protocols to be used to evaluate the success of multistate, multi-institutional, and multidisciplinary research activities and joint research and extension activities in addressing critical agricultural issues identified in the plans of work submitted under paragraph (2).

''(B) CONSULTATION.—The Secretary shall develop the protocols in consultation with the Advisory Board and land-grant colleges and universities.

''(5) TREATMENT OF PLANS OF WORK FOR OTHER PURPOSES.—To the maximum extent practicable, the Secretary shall consider a plan of work submitted under paragraph (2) to satisfy other appropriate Federal reporting requirements.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 1999.

SEC. 226. MATCHING FUNDS REQUIREMENT FOR RESEARCH AND EXTENSION ACTIVITIES AT 1890 INSTITUTIONS.

(a) IMPOSITION OF REQUIREMENT.—Subtitle G of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1448 (7 U.S.C. 3222c) the following:

''SEC. 1449. MATCHING FUNDS REQUIREMENT FOR RESEARCH AND EXTENSION ACTIVITIES AT ELIGIBLE INSTITUTIONS.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means a college eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.) (commonly known as the 'Second Morrill Act'), including Tuskegee University.

''(2) FORMULA FUNDS.—The term 'formula funds' means the formula allocation funds distributed to eligible institutions under sections 1444 and 1445.

''(b) DETERMINATION OF NON-FEDERAL SOURCES OF FUNDS.—Not later than September 30, 1999, each eligible institution shall submit to the Secretary a report describing for fiscal year 1999—

''(1) the sources of non-Federal funds made available by the State to the eligible institution for agricultural research, extension, and education to meet the requirements of this section; and

''(2) the amount of such funds generally available from each source.

''(c) MATCHING FORMULA.—Notwithstanding any other provision of this subtitle, the distribution of formula funds to an eligible institution shall be subject to the following matching requirements:

''(1) For fiscal year 2000, the State shall provide matching funds from non-Federal sources in an amount equal to not less than 30 percent of the formula funds to be distributed to the eligible institution.

''(2) For fiscal year 2001, the State shall provide matching funds from non-Federal sources in an amount equal to not less than 45 percent of the formula funds to be distributed to the eligible institution.

''(3) For fiscal year 2002 and each fiscal year thereafter, the State shall provide matching funds from non-Federal sources in an amount equal to not less than 50 percent of the formula funds to be distributed to the eligible institution.

''(d) LIMITED WAIVER AUTHORITY.—

''(1) FISCAL YEAR 2000.—Notwithstanding subsection (f), the Secretary may waive the matching funds requirement under subsection (c)(1) for fiscal year 2000 for an eligible institution of a State if the Secretary determines that, based on the report received under subsection (b), the State will be unlikely to satisfy the matching requirement.

''(2) FUTURE FISCAL YEARS.—The Secretary may not waive the matching requirement under subsection (c) for any fiscal year other than fiscal year 2000.

''(e) USE OF MATCHING FUNDS.—Under terms and conditions established by the Secretary, matching funds provided as required by subsection (c) may be used by an eligible institution for agricultural research, extension, and education activities.

''(f) REDISTRIBUTION OF FUNDS.—

''(1) REDISTRIBUTION REQUIRED.—Federal funds that are not matched by a State in accordance with subsection (c) for a fiscal year shall be redistributed by the Secretary to eligible institutions whose States have satisfied the matching funds requirement for that fiscal year.

''(2) ADMINISTRATION.—Any redistribution of funds under this subsection shall be subject to the applicable matching requirement specified in subsection (c) and shall be made in a manner consistent with sections 1444 and 1445, as determined by the Secretary.''.

(b) CONFORMING AMENDMENTS.—Section 1445(g) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(g)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (4) as paragraph (2).

(c) REFERENCES TO TUSKEGEE UNIVERSITY.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended—

(1) in section 1404 (7 U.S.C. 3103), by striking ''the Tuskegee Institute'' in paragraphs (10) and (16)(B) and inserting ''Tuskegee University'';

(2) in section 1444 (7 U.S.C. 3221)—

(A) by striking the section heading and ''SEC. 1444.'' and inserting the following:

''SEC. 1444. EXTENSION AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.'';

and

(B) in subsections (a) and (b), by striking ''Tuskegee Institute'' each place it appears and inserting ''Tuskegee University''; and

(3) in section 1445 (7 U.S.C. 3222)—

(A) by striking the section heading and ''SEC. 1445.'' and inserting the following:

''SEC. 1445. AGRICULTURAL RESEARCH AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.'';

and

(B) in subsections (a) and (b)(2)(B), by striking ''Tuskegee Institute'' each place it appears and inserting ''Tuskegee University''.

SEC. 227. INTERNATIONAL RESEARCH, EXTENSION, AND TEACHING.

(a) INCLUSION OF TEACHING.—Section 1458 of the National Agricultural Research, Extension,

and Teaching Policy Act of 1977 (7 U.S.C. 3291) is amended—

(1) in the section heading, by striking ''RESEARCH AND EXTENSION'' and inserting ''RESEARCH, EXTENSION, AND TEACHING'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''related research and extension'' and inserting ''related research, extension, and teaching''; and

(ii) in subparagraph (B), by striking ''research and extension on'' and inserting ''research, extension, and teaching activities that address'';

(B) in paragraphs (2) and (6), by striking ''education'' each place it appears and inserting ''teaching'';

(C) in paragraph (4), by striking ''scientists and experts'' and inserting ''science and education experts'';

(D) in paragraph (5), by inserting ''teaching,'' after ''development,'';

(E) in paragraph (7), by striking ''research and extension that is'' and inserting ''research, extension, and teaching programs''; and

(F) in paragraph (8), by striking ''research capabilities'' and inserting ''research, extension, and teaching capabilities''; and

(3) in subsection (b), by striking ''counterpart agencies'' and inserting ''counterpart research, extension, and teaching agencies''.

(b) GRANTS FOR COLLABORATIVE PROJECTS.—Section 1458(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291(a)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) make competitive grants for collaborative projects that—

''(A) involve Federal scientists or scientists from land-grant colleges and universities or other colleges and universities with scientists at international agricultural research centers in other nations, including the international agricultural research centers of the Consultative Group on International Agriculture Research;

''(B) focus on developing and using new technologies and programs for—

''(i) increasing the production of food and fiber, while safeguarding the environment worldwide and enhancing the global competitiveness of United States agriculture; or

''(ii) training scientists;

''(C) are mutually beneficial to the United States and other countries; and

''(D) encourage private sector involvement and the leveraging of private sector funds.''.

(c) REPORTS.—Section 1458 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291) is amended by adding at the end the following:

''(d) REPORTS.—The Secretary shall provide biennial reports to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on efforts of the Federal Government—

''(1) to coordinate international agricultural research within the Federal Government; and

''(2) to more effectively link the activities of domestic and international agricultural researchers, particularly researchers of the Agricultural Research Service.''.

(d) FULL PAYMENT OF FUNDS MADE AVAILABLE FOR CERTAIN BINATIONAL PROJECTS.—Section 1458 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291) is amended by inserting after subsection (d) (as added by subsection (c) of this section) the following:

''(e) FULL PAYMENT OF FUNDS MADE AVAILABLE FOR CERTAIN BINATIONAL PROJECTS.—Notwithstanding any other provision of law, the full amount of any funds appropriated or otherwise made available to carry out cooperative projects under the arrangement entered into between the Secretary and the Government of Israel to support the Israel-United States Binational Agricultural Research and Development Fund shall be paid directly to the Fund.''.

(e) SUBTITLE HEADING.—Subtitle I of title XIV of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291 et seq.) is amended by striking the subtitle heading and inserting the following:

''Subtitle I—International Research, Extension, and Teaching''.

SEC. 228. UNITED STATES-MEXICO JOINT AGRICULTURAL RESEARCH.

Subtitle I of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1458 (7 U.S.C. 3291) the following:

''SEC. 1459. UNITED STATES-MEXICO JOINT AGRICULTURAL RESEARCH.

''(a) RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary may provide for an agricultural research and development program with the United States/Mexico Foundation for Science. The program shall focus on binational problems facing agricultural producers and consumers in the 2 countries, in particular pressing problems in the areas of food safety, plant and animal pest control, and the natural resources base on which agriculture depends.

''(b) ADMINISTRATION.—Grants under the research and development program shall be awarded competitively through the Foundation.

''(c) MATCHING REQUIREMENTS.—The provision of funds to the Foundation by the United States Government shall be subject to the condition that the Government of Mexico match, on at least a dollar-for-dollar basis, any funds provided by the United States Government.

''(d) LIMITATION ON USE OF FUNDS.—Funds provided under this section may not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.''.

SEC. 229. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.

Subtitle I of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291 et seq.) is amended by inserting after section 1459 (as added by section 228) the following:

''SEC. 1459A. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.

''(a) COMPETITIVE GRANTS AUTHORIZED.—The Secretary may make competitive grants to colleges and universities in order to strengthen United States economic competitiveness and to promote international market development.

''(b) PURPOSE OF GRANTS.—Grants under this section shall be directed to agricultural research, extension, and teaching activities that will—

''(1) enhance the international content of the curricula in colleges and universities so as to ensure that United States students acquire an understanding of the international dimensions and trade implications of their studies;

''(2) ensure that United States scientists, extension agents, and educators involved in agricultural research and development activities outside of the United States have the opportunity to convey the implications of their activities and findings to their peers and students in the United States and to the users of agricultural research, extension, and teaching;

''(3) enhance the capabilities of colleges and universities to do collaborative research with other countries, in cooperation with other Federal agencies, on issues relevant to United States agricultural competitiveness;

''(4) enhance the capabilities of colleges and universities to provide cooperative extension education to promote the application of new technology developed in foreign countries to United States agriculture; and

''(5) enhance the capability of United States colleges and universities, in cooperation with other Federal agencies, to provide leadership and educational programs that will assist United States natural resources and food production, processing, and distribution businesses and industries to compete internationally, including product market identification, international policies limiting or enhancing market production, development of new or enhancement of existing markets, and production efficiencies.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.''.

SEC. 230. GENERAL ADMINISTRATIVE COSTS.

(a) LIMITATION ON CHARGING INDIRECT COSTS.—Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting before section 1463 (7 U.S.C. 3311) the following:

''SEC. 1462. LIMITATION ON INDIRECT COSTS FOR AGRICULTURAL RESEARCH, EDUCATION, AND EXTENSION PROGRAMS.

''Except as otherwise provided in law, indirect costs charged against a competitive agricultural research, education, or extension grant awarded under this Act or any other Act pursuant to authority delegated to the Under Secretary of Agriculture for Research, Education, and Economics shall not exceed 19 percent of the total Federal funds provided under the grant award, as determined by the Secretary.''.

(b) LIMITATION ON DEPARTMENT ADMINISTRATIVE COSTS.—Section 1469 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3315) is amended—

(1) by striking the section heading and all that follows through ''Except as'' and inserting the following:

''SEC. 1469. AUDITING, REPORTING, BOOKKEEPING, AND ADMINISTRATIVE REQUIREMENTS.

''(a) IN GENERAL.—Except as'';

(2) by striking paragraph (3) and inserting the following:

''(3) the Secretary may retain up to 4 percent of amounts appropriated for agricultural research, extension, and teaching assistance programs for the administration of those programs authorized under this Act or any other Act; and''; and

(3) by adding at the end the following:

''(b) COMMUNITY FOOD PROJECTS.—The Secretary may retain, for the administration of community food projects under section 25 of the Food Stamp Act of 1977 (7 U.S.C. 2034), 4 percent of amounts available for the projects, notwithstanding the availability of any appropriation for administrative expenses of the projects.

''(c) PEER PANEL EXPENSES.—Notwithstanding any other provision of law regarding a competitive research, education, or extension grant program of the Department of Agriculture, the Secretary may use grant program funds, as necessary, to supplement funds otherwise available for program administration, to pay for the costs associated with peer review of grant proposals under the program.

''(d) DEFINITION OF IN-KIND SUPPORT.—In any law relating to agricultural research, education, or extension activities administered by the Secretary, the term 'in-kind support', with regard to a requirement that the recipient of funds provided by the Secretary match all or part of the amount of the funds, means contributions such as office space, equipment, and staff support.''.

SEC. 231. EXPANSION OF AUTHORITY TO ENTER INTO COST-REIMBURSABLE AGREEMENTS.

Section 1473A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319a) is amended in the first sentence by inserting ''or other colleges and universities'' after ''institutions''.

Subtitle D—Food, Agriculture, Conservation, and Trade Act of 1990

SEC. 241. AGRICULTURAL GENOME INITIATIVE.

Section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) is amended to read as follows:

''SEC. 1671. AGRICULTURAL GENOME INITIATIVE.

''(a) GOALS.—The goals of this section are—

''(1) to expand the knowledge of public and private sector entities and persons concerning genomes for species of importance to the food and agriculture sectors in order to maximize the return on the investment in genomics of agriculturally important species;

''(2) to focus on the species that will yield scientifically important results that will enhance the usefulness of many agriculturally important species;

''(3) to build on genomic research, such as the Human Genome Initiative and the Arabidopsis Genome Project, to understand gene structure and function that is expected to have considerable payoffs in agriculturally important species;

''(4) to develop improved bioinformatics to enhance both sequence or structure determination and analysis of the biological function of genes and gene products;

''(5) to encourage Federal Government participants to maximize the utility of public and private partnerships for agricultural genome research;

''(6) to allow resources developed under this section, including data, software, germplasm, and other biological materials, to be openly accessible to all persons, subject to any confidentiality requirements imposed by law; and

''(7) to encourage international partnerships with each partner country responsible for financing its own strategy for agricultural genome research.

''(b) DUTIES OF SECRETARY.—The Secretary of Agriculture (referred to in this section as the 'Secretary') shall conduct a research initiative (to be known as the 'Agricultural Genome Initiative') for the purpose of—

''(1) studying and mapping agriculturally significant genes to achieve sustainable and secure agricultural production;

''(2) ensuring that current gaps in existing agricultural genetics knowledge are filled;

''(3) identifying and developing a functional understanding of genes responsible for economically important traits in agriculturally important species, including emerging plant and animal diseases causing economic hardship;

''(4) ensuring future genetic improvement of agriculturally important species;

''(5) supporting preservation of diverse germplasm;

''(6) ensuring preservation of biodiversity to maintain access to genes that may be of importance in the future; and

''(7) otherwise carrying out this section.

''(c) GRANTS AND COOPERATIVE AGREEMENTS.—

''(1) AUTHORITY.—The Secretary may make grants or enter into cooperative agreements with individuals and organizations in accordance with section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3318).

''(2) COMPETITIVE BASIS.—A grant or cooperative agreement under this subsection shall be made or entered into on a competitive basis.

''(d) ADMINISTRATION.—Paragraphs (1), (6), (7), and (11) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of a grant or cooperative agreement under this section.

''(e) MATCHING OF FUNDS.—

''(1) GENERAL REQUIREMENT.—If a grant or cooperative agreement under this section provides a particular benefit to a specific agricultural commodity, the Secretary shall require the recipient to provide funds or in-kind support to match the amount of funds provided by the Secretary under the grant or cooperative agreement.

''(2) WAIVER.—The Secretary may waive the matching funds requirement of paragraph (1) with respect to a research project if the Secretary determines that—

''(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

''(B) the project involves a minor commodity, the project deals with scientifically important research, and the recipient is unable to satisfy the matching funds requirement.

''(f) CONSULTATION WITH NATIONAL ACADEMY OF SCIENCES.—The Secretary may use funds made available under this section to consult with the National Academy of Sciences regarding the administration of the Agricultural Genome Initiative.''.

SEC. 242. HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES.

Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) is amended to read as follows:

''SEC. 1672. HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES.

''(a) COMPETITIVE SPECIALIZED RESEARCH AND EXTENSION GRANTS AUTHORIZED.—The Secretary of Agriculture (referred to in this section as the 'Secretary') may make competitive grants to support research and extension activities specified in subsections (e), (f), and (g). The Secretary shall make the grants in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board.

''(b) ADMINISTRATION.—

''(1) IN GENERAL.—Except as otherwise provided in this section, paragraphs (1), (6), (7), and (11) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.

''(2) USE OF TASK FORCES.—To facilitate the making of research and extension grants under this section in the research and extension areas specified in subsection (e), the Secretary may appoint a task force for each such area to make recommendations to the Secretary. The Secretary may not incur costs in excess of $1,000 for any fiscal year in connection with each task force established under this paragraph.

''(c) MATCHING FUNDS REQUIRED.—

''(1) IN GENERAL.—The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount at least equal to the amount provided by the Federal Government.

''(2) WAIVER AUTHORITY.—The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a research project if the Secretary determines that—

''(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

''(B) the project involves a minor commodity, the project deals with scientifically important research, and the grant recipient is unable to satisfy the matching funds requirement.

''(d) PARTNERSHIPS ENCOURAGED.—Following the completion of a peer review process for grant proposals received under this section, the Secretary may provide a priority to those grant proposals, found in the peer review process to be scientifically meritorious, that involve the cooperation of multiple entities.

''(e) HIGH-PRIORITY RESEARCH AND EXTENSION AREAS.—

''(1) BROWN CITRUS APHID AND CITRUS TRISTEZA VIRUS RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of—

''(A) developing methods to control or eradicate the brown citrus aphid and the citrus tristeza virus from citrus crops grown in the United States; or

''(B) adapting citrus crops grown in the United States to the brown citrus aphid and the citrus tristeza virus.

''(2) ETHANOL RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of carrying out or enhancing research on ethanol derived from agricultural crops as an alternative fuel source.

''(3) AFLATOXIN RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of identifying and controlling aflatoxin in the food and feed chains.

''(4) MESQUITE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing enhanced production methods and commercial uses of mesquite.

''(5) PRICKLY PEAR RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of investigating enhanced genetic selection and processing techniques of prickly pears.

''(6) DEER TICK ECOLOGY RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of studying the population ecology of deer ticks and other insects and pests that transmit Lyme disease.

''(7) RED MEAT SAFETY RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing—

''(A) intervention strategies that reduce microbial contamination on carcass surfaces;

''(B) microbiological mapping of carcass surfaces; and

''(C) model hazard analysis and critical control point plans.

''(8) GRAIN SORGHUM ERGOT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing techniques for the eradication of sorghum ergot.

''(9) PEANUT MARKET ENHANCEMENT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of evaluating the economics of applying innovative technologies for peanut processing in a commercial environment.

''(10) DAIRY FINANCIAL RISK MANAGEMENT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of providing research, development, or education materials, information, and outreach programs regarding risk management strategies for dairy producers and for dairy cooperatives and other processors and marketers of milk.

''(11) COTTON RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of improving pest management, fiber quality enhancement, economic assessment, textile production, and optimized production systems for short staple cotton.

''(12) METHYL BROMIDE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of—

''(A) developing and evaluating chemical and nonchemical alternatives, and use and emission reduction strategies, for pre-planting and post-harvest uses of methyl bromide; and

''(B) transferring the results of the research for use by agricultural producers.

''(13) POTATO RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing and evaluating new strains of potatoes that are resistant to blight and other diseases, as well as insects. Emphasis may be placed on developing potato varieties that lend themselves to innovative marketing approaches.

''(14) WOOD USE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing new uses for wood from underused tree species as well as investigating methods of modifying

wood and wood fibers to produce better building materials.

''(15) LOW-BUSH BLUEBERRY RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of evaluating methods of propagating and developing low-bush blueberry as a marketable crop.

''(16) WETLANDS USE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of better use of wetlands in diverse ways to provide various economic, agricultural, and environmental benefits.

''(17) WILD PAMPAS GRASS CONTROL, MANAGEMENT, AND ERADICATION RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of control, management, and eradication of wild pampas grass.

''(18) FOOD SAFETY, INCLUDING PATHOGEN DETECTION AND LIMITATION, RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of increasing food safety, including the identification of advanced detection and processing methods to limit the presence of pathogens (including hepatitis A and E. coli 0157:H7) in domestic and imported foods.

''(19) FINANCIAL RISK MANAGEMENT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of providing research, development, or education materials, information, and outreach programs regarding financial risk management strategies for agricultural producers and for cooperatives and other processors and marketers of any agricultural commodity.

''(20) ORNAMENTAL TROPICAL FISH RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of meeting the needs of commercial producers of ornamental tropical fish and aquatic plants for improvements in the areas of fish reproduction, health, nutrition, predator control, water use, water quality control, and farming technology.

''(21) SHEEP SCRAPIE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of investigating the genetic aspects of scrapie in sheep.

''(22) GYPSY MOTH RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing biological control, management, and eradication methods against nonnative insects, including Lymantria dispar (commonly known as the 'gypsy moth'), that contribute to significant agricultural, economic, or environmental harm.

''(23) FORESTRY RESEARCH AND EXTENSION.—Research and extension grants may be made under this section to develop and distribute new, high-quality, science-based information for the purpose of improving the long-term productivity of forest resources and contributing to forest-based economic development by addressing such issues as—

''(A) forest land use policies;

''(B) multiple-use forest management, including wildlife habitat development, improved forest regeneration systems, and timber supply; and

''(C) improved development, manufacturing, and marketing of forest products.

''(24) TOMATO SPOTTED WILT VIRUS RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of control, management, and eradication of tomato spotted wilt virus.

''(f) IMPORTED FIRE ANT CONTROL, MANAGEMENT, AND ERADICATION.—

''(1) TASK FORCE.—The Secretary shall establish a task force pursuant to subsection (b)(2) regarding the control, management, and eradication of imported fire ants. The Secretary shall solicit and evaluate grant proposals under this subsection in consultation with the task force.

''(2) INITIAL GRANTS.—

''(A) REQUEST FOR PROPOSALS.—The Secretary shall publish a request for proposals for grants for research or demonstration projects related to the control, management, and possible eradication of imported fire ants.

''(B) SELECTION.—Not later than 1 year after the date of publication of the request for proposals, the Secretary shall evaluate the grant proposals submitted in response to the request and may select meritorious research or demonstration projects related to the control, management, and possible eradication of imported fire ants to receive an initial grant under this subsection.

''(3) SUBSEQUENT GRANTS.—

''(A) EVALUATION OF INITIAL GRANTS.—If the Secretary awards grants under paragraph (2)(B), the Secretary shall evaluate all of the research or demonstration projects conducted under the grants for their use as the basis of a national plan for the control, management, and possible eradication of imported fire ants by the Federal Government, State and local governments, and owners and operators of land.

''(B) SELECTION.—On the basis of the evaluation under subparagraph (A), the Secretary may select the projects that the Secretary considers most promising for additional research or demonstration related to preparation of a national plan for the control, management, and possible eradication of imported fire ants. The Secretary shall notify the task force of the projects selected under this subparagraph.

''(4) SELECTION AND SUBMISSION OF NATIONAL PLAN.—

''(A) EVALUATION OF SUBSEQUENT GRANTS.—If the Secretary awards grants under paragraph (3)(B), the Secretary shall evaluate all of the research or demonstration projects conducted under the grants for use as the basis of a national plan for the control, management, and possible eradication of imported fire ants by the Federal Government, State and local governments, and owners and operators of land.

''(B) SELECTION.—On the basis of the evaluation under subparagraph (A), the Secretary shall select 1 project funded under paragraph (3)(B), or a combination of those projects, for award of a grant for final preparation of the national plan.

''(C) SUBMISSION.—The Secretary shall submit to Congress the final national plan prepared under subparagraph (B) for the control, management, and possible eradication of imported fire ants.

''(g) FORMOSAN TERMITE RESEARCH AND ERADICATION.—

''(1) RESEARCH PROGRAM.—The Secretary may make competitive research grants under this subsection to regional and multijurisdictional entities, local government planning organizations, and local governments for the purpose of conducting research for the control, management, and possible eradication of Formosan termites in the United States.

''(2) ERADICATION PROGRAM.—The Secretary may enter into cooperative agreements with regional and multijurisdictional entities, local government planning organizations, and local governments for the purposes of—

''(A) conducting projects for the control, management, and possible eradication of Formosan termites in the United States; and

''(B) collecting data on the effectiveness of the projects.

''(3) FUNDING PRIORITY.—In allocating funds made available to carry out paragraph (2), the Secretary shall provide a higher priority for regions or locations with the highest historical rates of infestation of Formosan termites.

''(4) MANAGEMENT COORDINATION.—The program management of research grants, cooperative agreements, and projects under this subsection shall be conducted under existing authority in coordination with the national formosan termite management and research demonstration program conducted by the Agricultural Research Service.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.''.

SEC. 243. NUTRIENT MANAGEMENT RESEARCH AND EXTENSION INITIATIVE.

The Food, Agriculture, Conservation, and Trade Act of 1990 is amended by inserting after section 1672 (7 U.S.C. 5925) the following:

''SEC. 1672A. NUTRIENT MANAGEMENT RESEARCH AND EXTENSION INITIATIVE.

''(a) COMPETITIVE RESEARCH AND EXTENSION GRANTS AUTHORIZED.—The Secretary of Agriculture (referred to in this section as the 'Secretary') may make competitive grants to support research and extension activities specified in subsection (e). The Secretary shall make the grants in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board.

''(b) ADMINISTRATION.—

''(1) IN GENERAL.—Paragraphs (1), (6), (7), and (11) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.

''(2) USE OF TASK FORCES.—To facilitate the making of research and extension grants under this section in the research and extension areas specified in subsection (e), the Secretary may appoint a task force for each such area to make recommendations to the Secretary. The Secretary may not incur costs in excess of $1,000 for any fiscal year in connection with each task force established under this paragraph.

''(c) MATCHING FUNDS REQUIRED.—

''(1) IN GENERAL.—The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount at least equal to the amount provided by the Federal Government.

''(2) WAIVER AUTHORITY.—The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a research project if the Secretary determines that—

''(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

''(B) the project involves a minor commodity, the project deals with scientifically important research, and the grant recipient is unable to satisfy the matching funds requirement.

''(d) PARTNERSHIPS ENCOURAGED.—Following the completion of a peer review process for grant proposals received under this section, the Secretary may provide a priority to those grant proposals, found in the peer review process to be scientifically meritorious, that involve the cooperation of multiple entities.

''(e) NUTRIENT MANAGEMENT RESEARCH AND EXTENSION AREAS.—

''(1) ANIMAL WASTE AND ODOR MANAGEMENT.—Research and extension grants may be made under this section for the purpose of—

''(A) identifying, evaluating, and demonstrating innovative technologies for animal waste management and related air quality management and odor control;

''(B) investigating the unique microbiology of specific animal wastes, such as swine waste, to develop improved methods to effectively manage air and water quality; and

''(C) conducting information workshops to disseminate the results of the research.

''(2) WATER QUALITY AND AQUATIC ECOSYSTEMS.—Research and extension grants may be made under this section for the purpose of investigating the impact on aquatic food webs, especially commercially important aquatic species and their habitats, of microorganisms of the genus Pfiesteria and other microorganisms that are a threat to human or animal health.

''(3) RURAL AND URBAN INTERFACE.—Research and extension grants may be made under this section for the purpose of identifying, evaluating, and demonstrating innovative technologies to be used for animal waste management (including odor control) in rural areas adjacent to

urban or suburban areas in connection with waste management activities undertaken in urban or suburban areas.

''(4) ANIMAL FEED.—Research and extension grants may be made under this section for the purpose of maximizing nutrition management for livestock, while limiting risks, such as mineral bypass, associated with livestock feeding practices.

''(5) ALTERNATIVE USES OF ANIMAL WASTE.—Research and extension grants may be made under this section for the purpose of finding innovative methods and technologies for economic use or disposal of animal waste.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.''.

SEC. 244. ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.

The Food, Agriculture, Conservation, and Trade Act of 1990 is amended by inserting after section 1672A (as added by section 243) the following:

''SEC. 1672B. ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.

''(a) COMPETITIVE SPECIALIZED RESEARCH AND EXTENSION GRANTS AUTHORIZED.—In consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board, the Secretary of Agriculture (referred to in this section as the 'Secretary') may make competitive grants to support research and extension activities regarding organically grown and processed agricultural commodities for the purposes of—

''(1) facilitating the development of organic agriculture production and processing methods;

''(2) evaluating the potential economic benefits to producers and processors who use organic methods; and

''(3) exploring international trade opportunities for organically grown and processed agricultural commodities.

''(b) GRANT TYPES AND PROCESS, PROHIBITION ON CONSTRUCTION.—Paragraphs (1), (6), (7), and (11) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.

''(c) MATCHING FUNDS REQUIRED.—

''(1) IN GENERAL.—The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount at least equal to the amount provided by the Federal Government.

''(2) WAIVER AUTHORITY.—The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a research project if the Secretary determines that—

''(A) the results of the project, while of particular benefit to a specified agricultural commodity, are likely to be applicable to agricultural commodities generally; or

''(B) the project involves a minor commodity, the project deals with scientifically important research, and the grant recipient is unable to satisfy the matching funds requirement.

''(d) PARTNERSHIPS ENCOURAGED.—Following the completion of a peer review process for grant proposals received under this section, the Secretary may provide a priority to those grant proposals, found in the peer review process to be scientifically meritorious, that involve the cooperation of multiple entities.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.''.

SEC. 245. AGRICULTURAL TELECOMMUNICATIONS PROGRAM.

Section 1673 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926) is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively;

(B) by inserting before paragraph (2) (as so redesignated) the following:

''(1) A*DEC.—The term 'A*DEC' means the distance education consortium known as A*DEC.''; and

(C) by adding at the end the following:

''(7) SECRETARY.—Except as provided in subsection (d)(1), the term 'Secretary' means the Secretary of Agriculture, acting through A*DEC.'';

(2) in subsection (d)(1), by striking ''The Secretary shall establish a program, to be administered by the Assistant Secretary for Science and Education,'' and inserting ''The Secretary of Agriculture shall establish a program, to be administered through a grant provided to A*DEC under terms and conditions established by the Secretary of Agriculture,''; and

(3) in the first sentence of subsection (f)(2), by striking ''the Assistant Secretary for Science and Education'' and inserting ''A*DEC''.

SEC. 246. ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES.

Section 1680 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933) is amended—

(1) in subsection (a), by striking paragraph (6);

(2) in subsection (b)—

(A) by striking ''DISSEMINATION.—'' and all that follows through ''GENERAL.—The'' and inserting ''DISSEMINATION.—The''; and

(B) by striking paragraph (2); and

(3) by adding at the end the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), there is authorized to be appropriated to carry out this section $6,000,000 for each of fiscal years 1999 through 2002.

''(2) NATIONAL GRANT.—Not more than 15 percent of the amounts made available under paragraph (1) for a fiscal year shall be used to carry out subsection (b).''.

Subtitle E—Other Laws

SEC. 251. EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.

(a) DEFINITION OF 1994 INSTITUTIONS.—Section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note) is amended by adding at the end the following:

''(30) Little Priest Tribal College.''.

(b) ACCREDITATION.—Section 533(a) of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note) is amended by adding at the end the following:

''(3) ACCREDITATION.—To receive funding under sections 534 and 535, a 1994 Institution shall certify to the Secretary that the 1994 Institution—

''(A) is accredited by a nationally recognized accrediting agency or association determined by the Secretary, in consultation with the Secretary of Education, to be a reliable authority regarding the quality of training offered; or

''(B) is making progress toward the accreditation, as determined by the nationally recognized accrediting agency or association.''.

(c) RESEARCH GRANTS.—The Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note) is amended by adding at the end the following:

''SEC. 536. RESEARCH GRANTS.

''(a) RESEARCH GRANTS AUTHORIZED.—The Secretary of Agriculture may make grants under this section, on the basis of a competitive application process (and in accordance with such regulations as the Secretary may promulgate), to a 1994 Institution to assist the Institution to conduct agricultural research that addresses high priority concerns of tribal, national, or multistate significance.

''(b) REQUIREMENTS.—Grant applications submitted under this section shall certify that the research to be conducted will be performed under a cooperative agreement with at least 1 other land-grant college or university (exclusive of another 1994 Institution).

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002. Amounts appropriated shall remain available until expended.''.

SEC. 252. FUND FOR RURAL AMERICA.

Section 793(b) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2204f(b)) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—On October 1, 1998, and each October 1 thereafter through October 1, 2002, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer $60,000,000 to the Account.''.

SEC. 253. FOREST AND RANGELAND RENEWABLE RESOURCES RESEARCH.

(a) FINDINGS.—Section 2 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641) is amended by striking ''SEC. 2.'' and subsection (a) and inserting the following:

''SEC. 2. FINDINGS AND PURPOSE.

''(a) FINDINGS.—Congress finds the following:

''(1) Forests and rangeland, and the resources of forests and rangeland, are of strategic economic and ecological importance to the United States, and the Federal Government has an important and substantial role in ensuring the continued health, productivity, and sustainability of the forests and rangeland of the United States.

''(2) Over 75 percent of the productive commercial forest land in the United States is privately owned, with some 60 percent owned by small nonindustrial private owners. These 10,000,000 nonindustrial private owners are critical to providing both commodity and noncommodity values to the citizens of the United States.

''(3) The National Forest System manages only 17 percent of the commercial timberland of the United States, with over half of the standing softwoods inventory located on that land. Dramatic changes in Federal agency policy during the early 1990's have significantly curtailed the management of this vast timber resource, causing abrupt shifts in the supply of timber from public to private ownership. As a result of these shifts in supply, some 60 percent of total wood production in the United States is now coming from private forest land in the southern United States.

''(4) At the same time that pressures are building for the removal of even more land from commercial production, the Federal Government is significantly reducing its commitment to productivity-related research regarding forests and rangeland, which is critically needed by the private sector for the sustained management of remaining available timber and forage resources for the benefit of all species.

''(5) Uncertainty over the availability of the United States timber supply, increasing regulatory burdens, and the lack of Federal Government support for research is causing domestic wood and paper producers to move outside the United States to find reliable sources of wood supplies, which in turn results in a worsening of the United States trade balance, the loss of employment and infrastructure investments, and an increased risk of infestations of exotic pests and diseases from imported wood products.

''(6) Wood and paper producers in the United States are being challenged not only by shifts in Federal Government policy, but also by international competition from tropical countries where growth rates of trees far exceed those in the United States. Wood production per acre will need to quadruple from 1996 levels for the United States forestry sector to remain internationally competitive on an ever decreasing forest land base.

''(7) Better and more frequent forest inventorying and analysis is necessary to identify productivity-related forestry research needs

and to provide forest managers with the current data necessary to make timely and effective management decisions.''.

(b) HIGH PRIORITY FORESTRY AND RANGELAND RESEARCH AND EDUCATION.—Section 3 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642) is amended by striking subsection (d) and inserting the following:

''(d) HIGH PRIORITY FORESTRY AND RANGELAND RESEARCH AND EDUCATION.—

''(1) IN GENERAL.—The Secretary may conduct, support, and cooperate in forestry and rangeland research and education that is of the highest priority to the United States and to users of public and private forest land and rangeland in the United States.

''(2) PRIORITIES.—The research and education priorities include the following:

''(A) The biology of forest organisms and rangeland organisms.

''(B) Functional characteristics and cost-effective management of forest and rangeland ecosystems.

''(C) Interactions between humans and forests and rangeland.

''(D) Wood and forage as a raw material.

''(E) International trade, competition, and cooperation.

''(3) NORTHEASTERN STATES RESEARCH COOPERATIVE.—The Secretary may cooperate with the northeastern States of New Hampshire, New York, Maine, and Vermont, land-grant colleges and universities of those States, natural resources and forestry schools of those States, other Federal agencies, and other interested persons in those States to coordinate and improve ecological and economic research relating to agricultural research, extension, and education, including—

''(A) research on ecosystem health, forest management, product development, economics, and related fields;

''(B) research to assist those States and landowners in those States to achieve sustainable forest management;

''(C) technology transfer to the wood products industry of technologies that promote efficient processing, pollution prevention, and energy conservation;

''(D) dissemination of existing and new information to landowners, public and private resource managers, State forest citizen advisory committees, and the general public through professional associations, publications, and other information clearinghouse activities; and

''(E) analysis of strategies for the protection of areas of outstanding ecological significance or high biological diversity, and strategies for the provision of important recreational opportunities and traditional uses, including strategies for areas identified through State land conservation planning processes.''.

(c) FOREST INVENTORY AND ANALYSIS.—Section 3 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642) is amended by adding at the end the following:

''(e) FOREST INVENTORY AND ANALYSIS.—

''(1) PROGRAM REQUIRED.—In compliance with other applicable provisions of law, the Secretary shall establish a program to inventory and analyze, in a timely manner, public and private forests and their resources in the United States.

''(2) ANNUAL STATE INVENTORY.—

''(A) IN GENERAL.—Not later than the end of each full fiscal year beginning after the date of enactment of this subsection, the Secretary shall prepare for each State, in cooperation with the State forester for the State, an inventory of forests and their resources in the State.

''(B) SAMPLE PLOTS.—For purposes of preparing the inventory for a State, the Secretary shall measure annually 20 percent of all sample plots that are included in the inventory program for that State.

''(C) COMPILATION OF INVENTORY.—On completion of the inventory for a year, the Secretary shall make available to the public a compilation of all data collected for that year from measurements of sample plots as well as any analysis made of the samples.

''(3) 5-YEAR REPORTS.—Not more often than every 5 full fiscal years after the date of enactment of this subsection, the Secretary shall prepare, publish, and make available to the public a report, prepared in cooperation with State foresters, that—

''(A) contains a description of each State inventory of forests and their resources, incorporating all sample plot measurements conducted during the 5 years covered by the report;

''(B) displays and analyzes on a nationwide basis the results of the annual reports required by paragraph (2); and

''(C) contains an analysis of forest health conditions and trends over the previous 2 decades, with an emphasis on such conditions and trends during the period subsequent to the immediately preceding report under this paragraph.

''(4) NATIONAL STANDARDS AND DEFINITIONS.—To ensure uniform and consistent data collection for all forest land that is publicly or privately owned and for each State, the Secretary shall develop, in consultation with State foresters and Federal land management agencies not under the jurisdiction of the Secretary, and publish national standards and definitions to be applied in inventorying and analyzing forests and their resources under this subsection. The standards shall include a core set of variables to be measured on all sample plots under paragraph (2) and a standard set of tables to be included in the reports under paragraph (3).

''(5) PROTECTION FOR PRIVATE PROPERTY RIGHTS.—The Secretary shall obtain authorization from property owners prior to collecting data from sample plots located on private property pursuant to paragraphs (2) and (3).

''(6) STRATEGIC PLAN.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall prepare and submit to Congress a strategic plan to implement and carry out this subsection, including the annual updates required by paragraph (2) and the reports required by paragraph (3), that shall describe in detail—

''(A) the financial resources required to implement and carry out this subsection, including the identification of any resources required in excess of the amounts provided for forest inventorying and analysis in recent appropriations Acts;

''(B) the personnel necessary to implement and carry out this subsection, including any personnel in addition to personnel currently performing inventorying and analysis functions;

''(C) the organization and procedures necessary to implement and carry out this subsection, including proposed coordination with Federal land management agencies and State foresters;

''(D) the schedules for annual sample plot measurements in each State inventory required by paragraph (2) within the first 5-year interval after the date of enactment of this subsection;

''(E) the core set of variables to be measured in each sample plot under paragraph (2) and the standard set of tables to be used in each State and national report under paragraph (3); and

''(F) the process for employing, in coordination with the Secretary of Energy and the Administrator of the National Aeronautics and Space Administration, remote sensing, global positioning systems, and other advanced technologies to carry out this subsection, and the subsequent use of the technologies.''.

(d) FORESTRY AND RANGELAND COMPETITIVE RESEARCH GRANTS.—Section 5 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1644) is amended—

(1) by striking the section heading and ''SEC. 5.'' and inserting the following:

''SEC. 5. FORESTRY AND RANGELAND COMPETITIVE RESEARCH GRANTS.

''(a) COMPETITIVE GRANT AUTHORITY.—''; and

(2) by adding at the end the following:

''(b) EMPHASIS ON CERTAIN HIGH PRIORITY FORESTRY RESEARCH.—The Secretary may use up to 5 percent of the amounts made available for research under section 3 to make competitive grants regarding forestry research in the high priority research areas identified under section 3(d).

''(c) EMPHASIS ON CERTAIN HIGH PRIORITY RANGELAND RESEARCH.—The Secretary may use up to 5 percent of the amounts made available for research under section 3 to make competitive grants regarding rangeland research in the high priority research areas identified under section 3(d).

''(d) PRIORITIES.—In making grants under subsections (b) and (c), the Secretary shall give priority to research proposals under which—

''(1) the proposed research will be collaborative research organized through a center of scientific excellence;

''(2) the applicant agrees to provide matching funds (in the form of direct funding or in-kind support) in an amount equal to not less than 50 percent of the grant amount; and

''(3) the proposed research will be conducted as part of an existing private and public partnership or cooperative research effort and involves several interested research partners.''.

TITLE III—EXTENSION OR REPEAL OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION AUTHORITIES

SEC. 301. EXTENSIONS.

(a) NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended—

(1) in subsection (l) of section 1417 (7 U.S.C. 3152) (as redesignated by section 223(1)), by striking ''1997'' and inserting ''2002'';

(2) in section 1419(d) (7 U.S.C. 3154(d)), by striking ''1997'' and inserting ''2002'';

(3) in section 1419A(d) (7 U.S.C. 3155(d)), by striking ''fiscal years 1996 and 1997'' and inserting ''each of fiscal years 1996 through 2002'';

(4) in section 1424(d) (7 U.S.C. 3174(d)), by striking ''fiscal years 1996 and 1997'' and inserting ''each of fiscal years 1996 through 2002'';

(5) in section 1424A(d) (7 U.S.C. 3174a(d)), by striking ''fiscal year 1997'' and inserting ''each of fiscal years 1997 through 2002'';

(6) in section 1425(c)(3) (7 U.S.C. 3175(c)(3)), by striking ''and 1997'' and inserting ''through 2002'';

(7) in the first sentence of section 1433(a) (7 U.S.C. 3195(a)), by striking ''1997'' and inserting ''2002'';

(8) in section 1434(a) (7 U.S.C. 3196(a)), by striking ''1997'' and inserting ''2002'';

(9) in section 1447(b) (7 U.S.C. 3222b(b)), by striking ''and 1997'' and inserting ''through 2002'';

(10) in section 1448 (7 U.S.C. 3222c)—

(A) in subsection (a)(1), by striking ''and 1997'' and inserting ''through 2002''; and

(B) in subsection (f), by striking ''1997'' and inserting ''2002'';

(11) in section 1455(c) (7 U.S.C. 3241(c)), by striking ''fiscal year 1997'' and inserting ''each of fiscal years 1997 through 2002'';

(12) in section 1463 (7 U.S.C. 3311), by striking ''1997'' each place it appears in subsections (a) and (b) and inserting ''2002'';

(13) in section 1464 (7 U.S.C. 3312), by striking ''1997'' and inserting ''2002'';

(14) in section 1473D(a) (7 U.S.C. 3319d(a)), by striking ''1997'' and inserting ''2002'';

(15) in the first sentence of section 1477 (7 U.S.C. 3324), by striking ''1997'' and inserting ''2002''; and

(16) in section 1483(a) (7 U.S.C. 3336(a)), by striking ''1997'' and inserting ''2002''.

(b) FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.—The Food, Agriculture, Conservation, and Trade Act of 1990 is amended—

(1) in section 1635(b) (7 U.S.C. 5844(b)), by striking ''1997'' and inserting ''2002'';

(2) in section 1673(h) (7 U.S.C. 5926(h)), by striking ''1997'' and inserting ''2002'';

(3) in section 2381(e) (7 U.S.C. 3125b(e)), by striking ''1997'' and inserting ''2002''.

(c) CRITICAL AGRICULTURAL MATERIALS ACT.—Section 16(a) of the Critical Agricultural Materials Act (7 U.S.C. 178n(a)) is amended by striking ''1997'' and inserting ''2002''.

(d) RESEARCH FACILITIES ACT.—Section 6(a) of the Research Facilities Act (7 U.S.C. 390d(a)) is amended by striking ''fiscal years 1996 and 1997'' and inserting ''each of fiscal years 1996 through 2002''.

(e) NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT AMENDMENTS OF 1985.—Section 1431 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985 (Public Law 99–198; 99 Stat. 1556) is amended by striking ''1997'' and inserting ''2002''.

(f) COMPETITIVE, SPECIAL, AND FACILITIES RESEARCH GRANT ACT.—Subsection (b)(10) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(10)) is amended by striking ''1997'' and inserting ''2002''.

(g) EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.—Sections 533(b) and 535 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note) are amended by striking ''2000'' each place it appears and inserting ''2002''.

(h) RENEWABLE RESOURCES EXTENSION ACT OF 1978.—Section 6 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1675) is amended in the first sentence by striking ''the fiscal year ending September 30, 1988,'' and all that follows through the period at the end and inserting ''each of fiscal years 1987 through 2002.''.

(i) NATIONAL AQUACULTURE ACT OF 1980.—Section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 2809) is amended by striking ''the fiscal years 1991, 1992, and 1993'' each place it appears and inserting ''fiscal years 1991 through 2002''.

SEC. 302. REPEALS.

(a) NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.—Section 1476 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3323) is repealed.

(b) NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT AMENDMENTS OF 1981.—Subsection (b) of section 1432 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1981 (Public Law 97–98; 7 U.S.C. 3222 note) is repealed.

(c) FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.—Subtitle G of title XIV and sections 1670 and 1675 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5501 et seq., 5923, 5928) are repealed.

(d) FEDERAL AGRICULTURE IMPROVEMENT AND REFORM ACT OF 1996.—Subtitle E of title VIII of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 1184) is repealed.

TITLE IV—NEW AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION INITIATIVES

SEC. 401. INITIATIVE FOR FUTURE AGRICULTURE AND FOOD SYSTEMS.

(a) TREASURY ACCOUNT.—There is established in the Treasury of the United States an account to be known as the Initiative for Future Agriculture and Food Systems (referred to in this section as the ''Account'') to provide funds for activities authorized under this section.

(b) FUNDING.—

(1) IN GENERAL.—On October 1, 1998, and each October 1 thereafter through October 1, 2002, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer $120,000,000 to the Account.

(2) ENTITLEMENT.—The Secretary of Agriculture—

(A) shall be entitled to receive the funds transferred to the Account under paragraph (1);

(B) shall accept the funds; and

(C) shall use the funds to carry out this section.

(c) PURPOSES.—

(1) CRITICAL EMERGING ISSUES.—The Secretary shall use the funds in the Account—

(A) subject to paragraph (2), for research, extension, and education grants (referred to in this section as ''grants'') to address critical emerging agricultural issues related to—

(i) future food production;

(ii) environmental quality and natural resource management; or

(iii) farm income; and

(B) for activities carried out under the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901 et seq.).

(2) PRIORITY MISSION AREAS.—In making grants under this section, the Secretary, in consultation with the Advisory Board, shall address priority mission areas related to—

(A) agricultural genome;

(B) food safety, food technology, and human nutrition;

(C) new and alternative uses and production of agricultural commodities and products;

(D) agricultural biotechnology;

(E) natural resource management, including precision agriculture; and

(F) farm efficiency and profitability, including the viability and competitiveness of small- and medium-sized dairy, livestock, crop, and other commodity operations.

(d) ELIGIBLE GRANTEES.—The Secretary may make a grant under this section to—

(1) a Federal research agency;

(2) a national laboratory;

(3) a college or university or a research foundation maintained by a college or university; or

(4) a private research organization with an established and demonstrated capacity to perform research or technology transfer.

(e) SPECIAL CONSIDERATIONS.—

(1) SMALLER INSTITUTIONS.—The Secretary may award grants under this section in a manner that ensures that the faculty of small and mid-sized institutions that have not previously been successful in obtaining competitive grants under subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) receive a portion of the grants under this section.

(2) PRIORITIES.—In making grants under this section, the Secretary shall provide a higher priority to—

(A) a project that is multistate, multi-institutional, or multidisciplinary; or

(B) a project that integrates agricultural research, extension, and education.

(f) ADMINISTRATION.—

(1) IN GENERAL.—In making grants under this section, the Secretary shall—

(A) seek and accept proposals for grants;

(B) determine the relevance and merit of proposals through a system of peer review in accordance with section 103;

(C) award grants on the basis of merit, quality, and relevance to advancing the purposes and priority mission areas established under subsection (c); and

(D) solicit and consider input from persons who conduct or use agricultural research, extension, or education in accordance with section 102(b).

(2) COMPETITIVE BASIS.—A grant under this section shall be awarded on a competitive basis.

(3) TERM.—A grant under this section shall have a term that does not exceed 5 years.

(4) MATCHING FUNDS.—As a condition of making a grant under this section, the Secretary shall require the funding of the grant be matched with equal matching funds from a non-Federal source if the grant is—

(A) for applied research that is commodity-specific; and

(B) not of national scope.

(5) DELEGATION.—The Secretary shall administer this section through the Cooperative State Research, Education, and Extension Service of the Department. The Secretary may establish 1 or more institutes to carry out all or part of the activities authorized under this section.

(6) AVAILABILITY OF FUNDS.—Funds for grants under this section shall be available to the Secretary for obligation for a 2-year period.

(7) ADMINISTRATIVE COSTS.—The Secretary may use not more than 4 percent of the funds made available for grants under this section for administrative costs incurred by the Secretary in carrying out this section.

(8) BUILDINGS AND FACILITIES.—Funds made available for grants under this section shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

SEC. 402. PARTNERSHIPS FOR HIGH-VALUE AGRICULTURAL PRODUCT QUALITY RESEARCH.

(a) DEFINITION OF ELIGIBLE PARTNERSHIP.—In this section, the term ''eligible partnership'' means a partnership consisting of a land-grant college or university and other entities specified in subsection (c)(1) that satisfies the eligibility criteria specified in subsection (c).

(b) ESTABLISHMENT OF PARTNERSHIPS BY GRANT.—The Secretary of Agriculture may make competitive grants to an eligible partnership to coordinate and manage research and extension activities to enhance the quality of high-value agricultural products.

(c) CRITERIA FOR AN ELIGIBLE PARTNERSHIP.—

(1) PRIMARY INSTITUTIONS IN PARTNERSHIP.—The primary institution involved in an eligible partnership shall be a land-grant college or university, acting in partnership with other colleges or universities, nonprofit research and development entities, and Federal laboratories.

(2) PRIORITIZATION OF RESEARCH ACTIVITIES.—An eligible partnership shall prioritize research and extension activities in order to—

(A) enhance the competitiveness of United States agricultural products;

(B) increase exports of such products; and

(C) substitute such products for imported products.

(3) COORDINATION.—An eligible partnership shall coordinate among the entities comprising the partnership the activities supported by the eligible partnership, including the provision of mechanisms for sharing resources between institutions and laboratories and the coordination of public and private sector partners to maximize cost-effectiveness.

(d) TYPES OF RESEARCH AND EXTENSION ACTIVITIES.—Research or extension supported by an eligible partnership may address the full spectrum of production, processing, packaging, transportation, and marketing issues related to a high-value agricultural product. Such issues include—

(1) environmentally responsible—

(A) pest management alternatives and biotechnology;

(B) sustainable farming methods; and

(C) soil conservation and enhanced resource management;

(2) genetic research to develop improved agricultural-based products;

(3) refinement of field production practices and technology to improve quality, yield, and production efficiencies;

(4) processing and package technology to improve product quality, stability, or flavor intensity;

(5) marketing research regarding consumer perceptions and preferences;

(6) economic research, including industry characteristics, growth, and competitive analysis; and

(7) research to facilitate diversified, value-added enterprises in rural areas.

(e) ELEMENTS OF GRANT MAKING PROCESS.—

(1) PERIOD OF GRANT.—The Secretary may award a grant under this section for a period not to exceed 5 years.

(2) PREFERENCES.—In making grants under this section, the Secretary shall provide a preference to proposals that—

(A) demonstrate linkages with—

(i) agencies of the Department;

(ii) other related Federal research laboratories and agencies;

(iii) colleges and universities; and

(iv) private industry; and

(B) guarantee matching funds in excess of the amounts required by paragraph (3).

(3) MATCHING FUNDS.—An eligible partnership shall contribute an amount of non-Federal funds for the operation of the partnership that is at least equal to the amount of grant funds received by the partnership under this section.

(f) LIMITATION ON USE OF GRANT FUNDS.—Funds provided under this section may not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.

SEC. 403. PRECISION AGRICULTURE.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL INPUTS.—The term ''agricultural inputs'' includes all farm management, agronomic, and field-applied agricultural production inputs, such as machinery, labor, time, fuel, irrigation water, commercial nutrients, feed stuffs, veterinary drugs and vaccines, livestock waste, crop protection chemicals, agronomic data and information, application and management services, seed, and other inputs used in agricultural production.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State agricultural experiment station;

(B) a college or university;

(C) a research institution or organization;

(D) a Federal or State government entity or agency;

(E) a national laboratory;

(F) a private organization or corporation;

(G) an agricultural producer or other land manager; or

(H) a precision agriculture partnership referred to in subsection (g).

(3) PRECISION AGRICULTURE.—The term ''precision agriculture'' means an integrated information- and production-based farming system that is designed to increase long-term, site-specific, and whole farm production efficiencies, productivity, and profitability while minimizing unintended impacts on wildlife and the environment by—

(A) combining agricultural sciences, agricultural inputs and practices, agronomic production databases, and precision agriculture technologies to efficiently manage agronomic and livestock production systems;

(B) gathering on-farm information pertaining to the variation and interaction of site-specific spatial and temporal factors affecting crop and livestock production;

(C) integrating such information with appropriate data derived from field scouting, remote sensing, and other precision agriculture technologies in a timely manner in order to facilitate on-farm decisionmaking; or

(D) using such information to prescribe and deliver site-specific application of agricultural inputs and management practices in agricultural production systems.

(4) PRECISION AGRICULTURE TECHNOLOGIES.—The term ''precision agriculture technologies'' includes—

(A) instrumentation and techniques ranging from sophisticated sensors and software systems to manual sampling and data collection tools that measure, record, and manage spatial and temporal data;

(B) technologies for searching out and assembling information necessary for sound agricultural production decisionmaking;

(C) open systems technologies for data networking and processing that produce valued systems for farm management decisionmaking; or

(D) machines that deliver information-based management practices.

(5) SYSTEMS RESEARCH.—The term ''systems research'' means an integrated, coordinated, and iterative investigative process that involves—

(A) the multiple interacting components and aspects of precision agriculture systems, including synthesis of new knowledge regarding the physical-chemical-biological processes and complex interactions of the systems with cropping, livestock production practices, and natural resource systems;

(B) precision agriculture technologies development and implementation;

(C) data and information collection and interpretation;

(D) production scale planning;

(E) production-scale implementation; and

(F) farm production efficiencies, productivity, and profitability.

(b) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Agriculture may make competitive grants, for periods not to exceed 5 years, to eligible entities to conduct research, education, or information dissemination projects for the development and advancement of precision agriculture.

(2) PRIVATE SECTOR FINANCING.—A grant under this section shall be used to support only a project that the Secretary determines is unlikely to be financed by the private sector.

(3) CONSULTATION WITH ADVISORY BOARD.—The Secretary shall make grants under this section in consultation with the Advisory Board.

(c) PURPOSES OF PROJECTS.—A research, education, or information dissemination project supported by a grant under this section shall address 1 or more of the following purposes:

(1) The study and promotion of components of precision agriculture technologies using a systems research approach designed to increase long-term site-specific and whole-farm production efficiencies, productivity, and profitability.

(2) The improvement in the understanding of agronomic systems, including, soil, water, land cover (including grazing land), pest management systems, and meteorological variability.

(3) The provision of training and educational programs for State cooperative extension services agents, and other professionals involved in the production and transfer of integrated precision agriculture technology.

(4) The development, demonstration, and dissemination of information regarding precision agriculture technologies and systems and the potential costs and benefits of precision agriculture as it relates to—

(A) increased long-term farm production efficiencies, productivity, and profitability;

(B) the maintenance of the environment;

(C) improvements in international trade; and

(D) an integrated program of education for agricultural producers and consumers, including family owned and operated farms.

(5) The promotion of systems research and education projects focusing on the integration of the multiple aspects of precision agriculture, including development, production-scale implementation, and farm production efficiencies, productivity, and profitability.

(6) The study of whether precision agriculture technologies are applicable and accessible to small and medium-size farms and the study of methods of improving the applicability of precision agriculture technologies to those farms.

(d) GRANT PRIORITIES.—In making grants to eligible entities under this section, the Secretary, in consultation with the Advisory Board, shall give priority to research, education, or information dissemination projects designed to accomplish the following:

(1) Evaluate the use of precision agriculture technologies using a systems research approach to increase long-term site-specific and whole farm production efficiencies, productivity, profitability.

(2) Integrate research, education, and information dissemination components in a practical and readily available manner so that the findings of the project will be made readily usable by agricultural producers.

(3) Demonstrate the efficient use of agricultural inputs, rather than the uniform reduction in the use of agricultural inputs.

(4) Maximize the involvement and cooperation of precision agriculture producers, certified crop advisers, State cooperative extension services agents, agricultural input machinery, product and service providers, nonprofit organizations, agribusinesses, veterinarians, land-grant colleges and universities, and Federal agencies in precision agriculture systems research projects involving on-farm research, education, and dissemination of precision agriculture information.

(5) Maximize collaboration with multiple agencies and other partners, including through leveraging of funds and resources.

(e) MATCHING FUNDS.—The amount of a grant under this section to an eligible entity (other than a Federal agency) may not exceed the amount that the eligible entity makes available out of non-Federal funds for precision agriculture research and for the establishment and maintenance of facilities necessary for conducting precision agriculture research.

(f) RESERVATION OF FUNDS FOR EDUCATION AND INFORMATION DISSEMINATION PROJECTS.—Of the funds made available for grants under this section, the Secretary shall reserve a portion of the funds for grants for projects regarding precision agriculture related to education or information dissemination.

(g) PRECISION AGRICULTURE PARTNERSHIPS.—In carrying out this section, the Secretary, in consultation with the Advisory Board, shall encourage the establishment of appropriate multistate and national partnerships or consortia between—

(1) land-grant colleges and universities, State agricultural experiment stations, State cooperative extension services, other colleges and universities with demonstrable expertise regarding precision agriculture, agencies of the Department, national laboratories, agribusinesses, agricultural equipment and input manufacturers and retailers, certified crop advisers, commodity organizations, veterinarians, other Federal or State government entities and agencies, or nonagricultural industries and nonprofit organizations with demonstrable expertise regarding precision agriculture; and

(2) agricultural producers or other land managers.

(h) LIMITATION REGARDING FACILITIES.—A grant made under this section may not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002, of which, for each fiscal year—

(A) not less than 30 percent shall be available to make grants for research to be conducted by multidisciplinary teams; and

(B) not less than 40 percent shall be available to make grants for research to be conducted by eligible entities conducting systems research directly applicable to producers and agricultural production systems.

(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) shall be available for obligation for a 2-year period beginning on October 1 of the fiscal year for which the funds are made available.

SEC. 404. BIOBASED PRODUCTS.

(a) DEFINITION OF BIOBASED PRODUCT.—In this section, the term ''biobased product'' means

a product suitable for food or nonfood use that is derived in whole or in part from renewable agricultural and forestry materials.

(b) COORDINATION OF BIOBASED PRODUCT ACTIVITIES.—The Secretary of Agriculture shall—

(1) coordinate the research, technical expertise, economic information, and market information resources and activities of the Department to develop, commercialize, and promote the use of biobased products;

(2) solicit input from private sector persons who produce, or are interested in producing, biobased products;

(3) provide a centralized contact point for advice and technical assistance for promising and innovative biobased products; and

(4) submit an annual report to Congress describing the coordinated research, marketing, and commercialization activities of the Department relating to biobased products.

(c) COOPERATIVE AGREEMENTS FOR BIOBASED PRODUCTS.—

(1) AGREEMENTS AUTHORIZED.—The Secretary may enter into cooperative agreements with private entities described in subsection (d), under which the facilities and technical expertise of the Agricultural Research Service may be made available to operate pilot plants and other large-scale preparation facilities for the purpose of bringing technologies necessary for the development and commercialization of new biobased products to the point of practical application.

(2) DESCRIPTION OF COOPERATIVE ACTIVITIES.—Cooperative activities may include—

(A) research on potential environmental impacts of a biobased product;

(B) methods to reduce the cost of manufacturing a biobased product; and

(C) other appropriate research.

(d) ELIGIBLE PARTNERS.—The following entities shall be eligible to enter into a cooperative agreement under subsection (c):

(1) A party that has entered into a cooperative research and development agreement with the Secretary under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(2) A recipient of funding from the Alternative Agricultural Research and Commercialization Corporation established under section 1658 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5902).

(3) A recipient of funding from the Biotechnology Research and Development Corporation.

(4) A recipient of funding from the Secretary under a Small Business Innovation Research Program established under section 9 of the Small Business Act (15 U.S.C. 638).

(e) PILOT PROJECT.—The Secretary, acting through the Agricultural Research Service, may establish and carry out a pilot project under which grants are provided, on a competitive basis, to scientists of the Agricultural Research Service to—

(1) encourage innovative and collaborative science; and

(2) during each of fiscal years 1999 through 2001, develop biobased products with promising commercial potential.

(f) SOURCE OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), to carry out this section, the Secretary may use—

(A) funds appropriated to carry out this section; and

(B) funds otherwise available for cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

(2) EXCEPTION.—The Secretary may not use funds referred to in paragraph (1)(B) to carry out subsection (e).

(g) SALE OF DEVELOPED PRODUCTS.—For the purpose of determining the market potential for new biobased products produced at a pilot plant or other large-scale preparation facility under a cooperative agreement under this section, the Secretary shall authorize the private partner or partners to the agreement to sell the products.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.

SEC. 405. THOMAS JEFFERSON INITIATIVE FOR CROP DIVERSIFICATION.

(a) INITIATIVE REQUIRED.—The Secretary of Agriculture shall provide for a research initiative (to be known as the ''Thomas Jefferson Initiative for Crop Diversification'') for the purpose of conducting research and development, in cooperation with other public and private entities, on the production and marketing of new and nontraditional crops needed to strengthen and diversify the agricultural production base of the United States.

(b) RESEARCH AND EDUCATION EFFORTS.—The initiative shall include research and education efforts regarding new and nontraditional crops designed—

(1) to identify and overcome agronomic barriers to profitable production;

(2) to identify and overcome other production and marketing barriers; and

(3) to develop processing and utilization technologies for new and nontraditional crops.

(c) PURPOSES.—The purposes of the initiative are—

(1) to develop a focused program of research and development at the regional and national levels to overcome barriers to the development of—

(A) new crop opportunities for agricultural producers; and

(B) related value-added enterprises in rural communities; and

(2) to ensure a broad-based effort encompassing research, education, market development, and support of entrepreneurial activity leading to increased agricultural diversification.

(d) ESTABLISHMENT OF INITIATIVE.—The Secretary shall coordinate the initiative through a nonprofit center or institute that will coordinate research and education programs in cooperation with other public and private entities. The Secretary shall administer research and education grants made under this section.

(e) REGIONAL EMPHASIS.—

(1) REQUIRED.—The Secretary shall support development of multistate regional efforts in crop diversification.

(2) SITE-SPECIFIC CROP DEVELOPMENT EFFORTS.—Of funding made available to carry out the initiative, not less than 50 percent shall be used for regional efforts centered at colleges and universities in order to facilitate site-specific crop development efforts.

(f) ELIGIBLE GRANTEE.—The Secretary may award funds under this section to colleges or universities, nonprofit organizations, public agencies, or individuals.

(g) ADMINISTRATION.—

(1) GRANTS AND CONTRACTS.—Grants awarded through the initiative shall be selected on a competitive basis.

(2) PRIVATE BUSINESSES.—The recipient of a grant may use a portion of the grant funds for standard contracts with private businesses, such as for test processing of a new or nontraditional crop.

(3) TERMS.—The term of a grant awarded through the initiative may not exceed 5 years.

(4) MATCHING FUNDS.—The Secretary shall require the recipient of a grant awarded through the initiative to contribute an amount of funds from non-Federal sources that is at least equal to the amount provided by the Federal Government.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.

SEC. 406. INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM.

(a) PURPOSE.—It is the purpose of this section to authorize the Secretary of Agriculture to establish an integrated research, education, and extension competitive grant program to provide funding for integrated, multifunctional agricultural research, extension, and education activities.

(b) COMPETITIVE GRANTS AUTHORIZED.—Subject to the availability of appropriations to carry out this section, the Secretary may award grants to colleges and universities (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) on a competitive basis for integrated agricultural research, education, and extension projects in accordance with this section.

(c) CRITERIA FOR GRANTS.—Grants under this section shall be awarded to address priorities in United States agriculture, determined by the Secretary in consultation with the Advisory Board, that involve integrated research, extension, and education activities.

(d) MATCHING OF FUNDS.—

(1) GENERAL REQUIREMENT.—If a grant under this section provides a particular benefit to a specific agricultural commodity, the Secretary shall require the recipient of the grant to provide funds or in-kind support to match the amount of funds provided by the Secretary in the grant.

(2) WAIVER.—The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a grant if the Secretary determines that—

(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

(B) the project involves a minor commodity, the project deals with scientifically important research, and the grant recipient is unable to satisfy the matching funds requirement.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.

SEC. 407. COORDINATED PROGRAM OF RESEARCH, EXTENSION, AND EDUCATION TO IMPROVE VIABILITY OF SMALL AND MEDIUM SIZE DAIRY, LIVESTOCK, AND POULTRY OPERATIONS.

(a) PROGRAM AUTHORIZED.—The Secretary of Agriculture may carry out a coordinated program of research, extension, and education to improve the competitiveness, viability, and sustainability of small and medium size dairy, livestock, and poultry operations (referred to in this section as ''operations'').

(b) COMPONENTS.—To the extent the Secretary elects to carry out the program, the Secretary shall conduct—

(1) research, development, and on-farm extension and education concerning low-cost production facilities and practices, management systems, and genetics that are appropriate for the operations;

(2) in the case of dairy and livestock operations, research and extension on management-intensive grazing systems for dairy and livestock production to realize the potential for reduced capital and feed costs through greater use of management skills, labor availability optimization, and the natural benefits of grazing pastures;

(3) research and extension on integrated crop and livestock or poultry systems that increase efficiencies, reduce costs, and prevent environmental pollution to strengthen the competitive position of the operations;

(4) economic analyses and market feasibility studies to identify new and expanded opportunities for producers on the operations that provide tools and strategies to meet consumer demand in domestic and international markets, such as cooperative marketing and value-added strategies for milk, meat, and poultry production and processing; and

(5) technology assessment that compares the technological resources of large specialized producers with the technological needs of producers

on the operations to identify and transfer existing technology across all sizes and scales and to identify the specific research and education needs of the producers.

(c) ADMINISTRATION.—The Secretary may use the funds, facilities, and technical expertise of the Agricultural Research Service and the Cooperative State Research, Education, and Extension Service and other funds available to the Secretary (other than funds of the Commodity Credit Corporation) to carry out this section.

SEC. 408. SUPPORT FOR RESEARCH REGARDING DISEASES OF WHEAT AND BARLEY CAUSED BY FUSARIUM GRAMINEARUM.

(a) RESEARCH GRANT AUTHORIZED.—The Secretary of Agriculture may make a grant to a consortium of land-grant colleges and universities to enhance the ability of the consortium to carry out a multi-State research project aimed at understanding and combating diseases of wheat and barley caused by Fusarium graminearum and related fungi (referred to in this section as ''wheat scab'').

(b) RESEARCH COMPONENTS.—Funds provided under this section shall be available for the following collaborative, multi-State research activities:

(1) Identification and understanding of the epidemiology of wheat scab and the toxicological properties of vomitoxin, a toxic metabolite commonly occurring in wheat and barley infected with wheat scab.

(2) Development of crop management strategies to reduce the risk of wheat scab occurrence.

(3) Development of—

(A) efficient and accurate methods to monitor wheat and barley for the presence of wheat scab and resulting vomitoxin contamination;

(B) post-harvest management techniques for wheat and barley infected with wheat scab; and

(C) milling and food processing techniques to render contaminated grain safe.

(4) Strengthening and expansion of plant-breeding activities to enhance the resistance of wheat and barley to wheat scab, including the establishment of a regional advanced breeding material evaluation nursery and a germplasm introduction and evaluation system.

(5) Development and deployment of alternative fungicide application systems and formulations to control wheat scab and consideration of other chemical control strategies to assist farmers until new more resistant wheat and barley varieties are available.

(c) COMMUNICATIONS NETWORKS.—Funds provided under this section shall be available for efforts to concentrate, integrate, and disseminate research, extension, and outreach-orientated information regarding wheat scab.

(d) MANAGEMENT.—To oversee the use of a grant made under this section, the Secretary may establish a committee composed of the directors of the agricultural experiment stations in the States in which land-grant colleges and universities that are members of the consortium are located.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,200,000 for each of fiscal years 1999 through 2002.

TITLE V—AGRICULTURAL PROGRAM ADJUSTMENTS

Subtitle A—Food Stamp Program

SEC. 501. REDUCTIONS IN FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.

Section 16(h)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2025(h)(1)(A)) is amended—

(1) in clause (iv)(II), by striking ''$131,000,000'' and inserting ''$31,000,000''; and

(2) in clause (v)(II), by striking ''$131,000,000'' and inserting ''$86,000,000''.

SEC. 502. REDUCTIONS IN PAYMENTS FOR ADMINISTRATIVE COSTS.

(a) IN GENERAL.—Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended—

(1) in the first sentence of subsection (a), by striking ''The Secretary'' and inserting ''Subject to subsection (k), the Secretary''; and

(2) by adding at the end the following:

''(k) REDUCTIONS IN PAYMENTS FOR ADMINISTRATIVE COSTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) AFDC PROGRAM.—The term 'AFDC program' means the program of aid to families with dependent children established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq. (as in effect, with respect to a State, during the base period for that State)).

''(B) BASE PERIOD.—The term 'base period' means the period used to determine the amount of the State family assistance grant for a State under section 403 of the Social Security Act (42 U.S.C. 603).

''(C) MEDICAID PROGRAM.—The term 'medicaid program' means the program of medical assistance under a State plan or under a waiver of the plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

''(2) DETERMINATIONS OF AMOUNTS ATTRIBUTABLE TO BENEFITING PROGRAMS.—Not later than 180 days after the date of enactment of this subsection, the Secretary of Health and Human Services, in consultation with the Secretary of Agriculture and the States, shall, with respect to the base period for each State, determine—

''(A) the annualized amount the State received under section 403(a)(3) of the Social Security Act (42 U.S.C. 603(a)(3) (as in effect during the base period)) for administrative costs common to determining the eligibility of individuals, families, and households eligible or applying for the AFDC program and the food stamp program, the AFDC program and the medicaid program, and the AFDC program, the food stamp program, and the medicaid program that were allocated to the AFDC program; and

''(B) the annualized amount the State would have received under section 403(a)(3) of the Social Security Act (42 U.S.C. 603(a)(3) (as so in effect)), section 1903(a)(7) of the Social Security Act (42 U.S.C. 1396b(a)(7) (as so in effect)), and subsection (a) of this section (as so in effect), for administrative costs common to determining the eligibility of individuals, families, and households eligible or applying for the AFDC program and the food stamp program, the AFDC program and the medicaid program, and the AFDC program, the food stamp program, and the medicaid program, if those costs had been allocated equally among such programs for which the individual, family, or household was eligible or applied for.

''(3) REDUCTION IN PAYMENT.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section, effective for each of fiscal years 1999 through 2002, the Secretary shall reduce, for each fiscal year, the amount paid under subsection (a) to each State by an amount equal to the amount determined for the food stamp program under paragraph (2)(B). The Secretary shall, to the extent practicable, make the reductions required by this paragraph on a quarterly basis.

''(B) APPLICATION.—If the Secretary of Health and Human Services does not make the determinations required by paragraph (2) by September 30, 1999—

''(i) during the fiscal year in which the determinations are made, the Secretary shall reduce the amount paid under subsection (a) to each State by an amount equal to the sum of the amounts determined for the food stamp program under paragraph (2)(B) for fiscal year 1999 through the fiscal year during which the determinations are made; and

''(ii) for each subsequent fiscal year through fiscal year 2002, subparagraph (A) applies.

''(4) APPEAL OF DETERMINATIONS.—

''(A) IN GENERAL.—Not later than 5 days after the date on which the Secretary of Health and Human Services makes any determination required by paragraph (2) with respect to a State, the Secretary shall notify the chief executive officer of the State of the determination.

''(B) REVIEW BY ADMINISTRATIVE LAW JUDGE.—

''(i) IN GENERAL.—Not later than 60 days after the date on which a State receives notice under subparagraph (A) of a determination, the State may appeal the determination, in whole or in part, to an administrative law judge of the Department of Health and Human Services by filing an appeal with the administrative law judge.

''(ii) DOCUMENTATION.—The administrative law judge shall consider an appeal filed by a State under clause (i) on the basis of such documentation as the State may submit and as the administrative law judge may require to support the final decision of the administrative law judge.

''(iii) REVIEW.—In deciding whether to uphold a determination, in whole or in part, the administrative law judge shall conduct a thorough review of the issues and take into account all relevant evidence.

''(iv) DEADLINE.—Not later than 60 days after the date on which the record is closed, the administrative law judge shall—

''(I) make a final decision with respect to an appeal filed under clause (i); and

''(II) notify the chief executive officer of the State of the decision.

''(C) REVIEW BY DEPARTMENTAL APPEALS BOARD.—

''(i) IN GENERAL.—Not later than 30 days after the date on which a State receives notice under subparagraph (B) of a final decision, the State may appeal the decision, in whole or in part, to the Departmental Appeals Board established in the Department of Health and Human Services (referred to in this paragraph as the 'Board') by filing an appeal with the Board.

''(ii) REVIEW.—The Board shall review the decision on the record.

''(iii) DEADLINE.—Not later than 60 days after the date on which the appeal is filed, the Board shall—

''(I) make a final decision with respect to an appeal filed under clause (i); and

''(II) notify the chief executive officer of the State of the decision.

''(D) JUDICIAL REVIEW.—The determinations of the Secretary of Health and Human Services under paragraph (2), and a final decision of the administrative law judge or Board under subparagraphs (B) and (C), respectively, shall not be subject to judicial review.

''(E) REDUCED PAYMENTS PENDING APPEAL.—The pendency of an appeal under this paragraph shall not affect the requirement that the Secretary reduce payments in accordance with paragraph (3).

''(5) ALLOCATION OF ADMINISTRATIVE COSTS.—

''(A) IN GENERAL.—No funds or expenditures described in subparagraph (B) may be used to pay for costs—

''(i) eligible for reimbursement under subsection (a) (or costs that would have been eligible for reimbursement but for this subsection); and

''(ii) allocated for reimbursement to the food stamp program under a plan submitted by a State to the Secretary of Health and Human Services to allocate administrative costs for public assistance programs.

''(B) FUNDS AND EXPENDITURES.—Subparagraph (A) applies to—

''(i) funds made available to carry out part A of title IV, or title XX, of the Social Security Act (42 U.S.C. 601 et seq., 1397 et seq.);

''(ii) expenditures made as qualified State expenditures (as defined in section 409(a)(7)(B) of that Act (42 U.S.C. 609(a)(7)(B)));

''(iii) any other Federal funds (except funds provided under subsection (a)); and

''(iv) any other State funds that are—

''(I) expended as a condition of receiving Federal funds; or

''(II) used to match Federal funds under a Federal program other than the food stamp program.''.

(b) REVIEW OF METHODOLOGY USED TO MAKE CERTAIN DETERMINATIONS.—Not later

than 1 year after the date of enactment, the Comptroller General of the United States shall—

(1) review the adequacy of the methodology used in making the determinations required under section 16(k)(2)(B) of the Food Stamp Act of 1977 (as added by subsection (a)(2)); and

(2) submit a written report on the results of the review to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 503. EXTENSION OF ELIGIBILITY PERIOD FOR REFUGEES AND CERTAIN OTHER QUALIFIED ALIENS FROM 5 TO 7 YEARS.

Section 402(a)(2)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(A)) is amended—

(1) by striking clause (ii);

(2) by striking ''ASYLEES.—'' and all that follows through ''paragraph (3)(A)'' and inserting ''ASYLEES.—With respect to the specified Federal programs described in paragraph (3)''; and

(3) by redesignating subclauses (I) through (V) as clauses (i) through (v) and indenting appropriately.

SEC. 504. FOOD STAMP ELIGIBILITY FOR CERTAIN DISABLED ALIENS.

Section 402(a)(2)(F) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(F)) is amended—

(1) by striking ''program defined in paragraph (3)(A) (relating to the supplemental security income program)'' and inserting ''specified Federal programs described in paragraph (3)''; and

(2) in clause (ii)—

(A) by inserting ''(I) in the case of the specified Federal program described in paragraph (3)(A),'' after ''(ii)'';

(B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(II) in the case of the specified Federal program described in paragraph (3)(B), is receiving benefits or assistance for blindness or disability (within the meaning of section 3(r) of the Food Stamp Act of 1977 (7 U.S.C. 2012(r))).''.

SEC. 505. FOOD STAMP ELIGIBILITY FOR CERTAIN INDIANS.

Section 402(a)(2)(G) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(G)) is amended—

(1) in the subparagraph heading, by striking ''SSI EXCEPTION'' and inserting ''EXCEPTION''; and

(2) by striking ''program defined in paragraph (3)(A) (relating to the supplemental security income program)'' and inserting ''specified Federal programs described in paragraph (3)''.

SEC. 506. FOOD STAMP ELIGIBILITY FOR CERTAIN ELDERLY INDIVIDUALS.

Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding at the end the following:

''(I) FOOD STAMP EXCEPTION FOR CERTAIN ELDERLY INDIVIDUALS.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(B), paragraph (1) shall not apply to any individual who on August 22, 1996—

''(i) was lawfully residing in the United States; and

''(ii) was 65 years of age or older.''.

SEC. 507. FOOD STAMP ELIGIBILITY FOR CERTAIN CHILDREN.

Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) (as amended by section 506) is amended by adding at the end the following:

''(J) FOOD STAMP EXCEPTION FOR CERTAIN CHILDREN.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(B), paragraph (1) shall not apply to any individual who—

''(i) was lawfully residing in the United States on August 22, 1996; and

''(ii) is under 18 years of age.''.

SEC. 508. FOOD STAMP ELIGIBILITY FOR CERTAIN HMONG AND HIGHLAND LAOTIANS.

Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) (as amended by section 507) is amended by adding at the end the following:

''(K) FOOD STAMP EXCEPTION FOR CERTAIN HMONG AND HIGHLAND LAOTIANS.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(B), paragraph (1) shall not apply to—

''(i) any individual who—

''(I) is lawfully residing in the United States; and

''(II) was a member of a Hmong or Highland Laotian tribe at the time that the tribe rendered assistance to United States personnel by taking part in a military or rescue operation during the Vietnam era (as defined in section 101 of title 38, United States Code);

''(ii) the spouse, or an unmarried dependent child, of such an individual; or

''(iii) the unremarried surviving spouse of such an individual who is deceased.''.

SEC. 509. CONFORMING AMENDMENTS.

Section 403(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(d)) is amended—

(1) in the subsection heading, by striking ''SSI'' and all that follows through ''INDIANS'' and inserting ''BENEFITS FOR CERTAIN GROUPS'';

(2) by striking ''not apply to an individual'' and inserting ''not apply to—

''(1) an individual'';

(3) by striking ''(a)(3)(A)'' and inserting ''(a)(3)''; and

(4) by striking the period at the end and inserting ''; or''; and

(5) by adding at the end the following:

''(2) an individual, spouse, or dependent described in section 402(a)(2)(K), but only with respect to the specified Federal program described in section 402(a)(3)(B).''.

SEC. 510. EFFECTIVE DATES.

(a) REDUCTIONS.—The amendments made by sections 501 and 502 take effect on the date of enactment of this Act.

(b) FOOD STAMP ELIGIBILITY.—The amendments made by sections 503 through 509 take effect on November 1, 1998.

Subtitle B—Information Technology Funding

SEC. 521. INFORMATION TECHNOLOGY FUNDING.

(a) IN GENERAL.—Section 4(g) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(g)) is amended in the first sentence by striking ''$275,000,000'' and inserting ''$193,000,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 1997.

Subtitle C—Crop Insurance

SEC. 531. FUNDING.

Section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

''(1) DISCRETIONARY EXPENSES.—There are authorized to be appropriated for fiscal year 1999 and each subsequent fiscal year such sums as are necessary to cover the salaries and expenses of the Corporation.''; and

(B) in paragraph (2)—

(i) by inserting after ''are necessary to cover'' the following: ''for each of the 1999 and subsequent reinsurance years''; and

(ii) by striking subparagraph (A) and inserting the following:

''(A) the administrative and operating expenses of the Corporation for the sales commissions of agents; and''; and

(2) by striking subsection (b) and inserting the following:

''(b) PAYMENT OF CORPORATION EXPENSES FROM INSURANCE FUND.—

''(1) EXPENSES GENERALLY.—For each of the 1999 and subsequent reinsurance years, the Corporation may pay from the insurance fund established under subsection (c) all expenses of the Corporation (other than expenses covered by subsection (a)(1) and expenses covered by paragraph (2)(A)), including—

''(A) premium subsidies and indemnities;

''(B) administrative and operating expenses of the Corporation necessary to pay the sales commissions of agents; and

''(C) all administrative and operating expense reimbursements due under a reinsurance agreement with an approved insurance provider.

''(2) RESEARCH AND DEVELOPMENT EXPENSES.—

''(A) IN GENERAL.—For each of the 1999 and subsequent reinsurance years, the Corporation may pay from the insurance fund established under subsection (c) research and development expenses of the Corporation, but not to exceed $3,500,000 for each fiscal year.

''(B) DAIRY OPTIONS PILOT PROGRAM.—Amounts necessary to carry out the dairy options pilot program shall not be counted toward the limitation on research and development expenses specified in subparagraph (A).''.

SEC. 532. BUDGETARY OFFSETS.

(a) ADMINISTRATIVE FEE FOR CATASTROPHIC RISK PROTECTION.—Section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)) is amended by striking paragraph (5) and inserting the following:

''(5) ADMINISTRATIVE FEE.—

''(A) BASIC FEE.—Each producer shall pay an administrative fee for catastrophic risk protection in an amount equal to 10 percent of the premium for the catastrophic risk protection or $50 per crop per county, whichever is greater, as determined by the Corporation.

''(B) ADDITIONAL FEE.—In addition to the amount required under subparagraph (A), the producer shall pay a $10 fee for each amount determined under subparagraph (A).

''(C) TIME FOR PAYMENT.—The amounts required under subparagraphs (A) and (B) shall be paid by the producer on the date that premium for a policy of additional coverage would be paid by the producer.

''(D) USE OF FEES.—

''(i) IN GENERAL.—The amounts paid under this paragraph shall be deposited in the crop insurance fund established under section 516(c), to be available for the programs and activities of the Corporation.

''(ii) LIMITATION.—No funds deposited in the crop insurance fund under this subparagraph may be used to compensate an approved insurance provider or agent for the delivery of services under this subsection.

''(E) WAIVER OF FEE.—The Corporation shall waive the amounts required under this paragraph for limited resource farmers, as defined by the Corporation.''.

(b) ADMINISTRATIVE FEE FOR ADDITIONAL COVERAGE.—Section 508(c)(10) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(10)) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) FEE REQUIRED.—Except as otherwise provided in this paragraph, if a producer elects to purchase additional coverage for a crop at a level that is less than 65 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, the producer shall pay an administrative fee for the additional coverage. The administrative fee for the producer shall be $50 per crop per county, but not to exceed $200 per producer per county, up to a maximum of $600 per producer for all counties in which a producer has insured crops. Subparagraphs (D) and (E) of subsection (b)(5) shall apply with respect to the use of administrative fees under this subparagraph.''; and

(2) in subparagraph (C), by striking ''$10'' and inserting ''$20''.

(c) REIMBURSEMENT FOR ADMINISTRATIVE AND OPERATING COSTS.—Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) is amended by striking paragraph (4) and inserting the following:

''(4) RATE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the rate established by the Board to reimburse approved insurance providers and agents for the administrative and operating costs of the providers and agents shall not exceed—

''(i) for the 1998 reinsurance year, 27 percent of the premium used to define loss ratio; and

''(ii) for each of the 1999 and subsequent reinsurance years, 24.5 percent of the premium used to define loss ratio.

''(B) PROPORTIONAL REDUCTIONS.—A policy of additional coverage that received a rate of reimbursement for administrative and operating costs for the 1998 reinsurance year that is lower than the rate specified in subparagraph (A)(i) shall receive a reduction in the rate of reimbursement that is proportional to the reduction in the rate of reimbursement between clauses (i) and (ii) of subparagraph (A).''.

(d) LOSS ADJUSTMENT EXPENSES FOR CATASTROPHIC RISK PROTECTION.—Section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)) is amended by adding at the end the following:

''(11) LOSS ADJUSTMENT.—The rate for reimbursing an approved insurance provider or agent for expenses incurred by the approved insurance provider or agent for loss adjustment in connection with a policy of catastrophic risk protection shall not exceed 11 percent of the premium for catastrophic risk protection that is used to define loss ratio.''.

SEC. 533. PROCEDURES FOR RESPONDING TO CERTAIN INQUIRIES.

Section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506) is amended by adding at the end the following:

''(s) PROCEDURES FOR RESPONDING TO CERTAIN INQUIRIES.—

''(1) PROCEDURES REQUIRED.—The Corporation shall establish procedures under which the Corporation will provide a final agency determination in response to an inquiry regarding the interpretation by the Corporation of this title or any regulation issued under this title.

''(2) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this subsection, the Corporation shall issue regulations to implement this subsection. At a minimum, the regulations shall establish—

''(A) the manner in which inquiries described in paragraph (1) are required to be submitted to the Corporation; and

''(B) a reasonable maximum number of days within which the Corporation will respond to all inquiries.

''(3) EFFECT OF FAILURE TO TIMELY RESPOND.—If the Corporation fails to respond to an inquiry in accordance with the procedures established pursuant to this subsection, the person requesting the interpretation of this title or regulation may assume the interpretation is correct for the applicable reinsurance year.''.

SEC. 534. TIME PERIOD FOR RESPONDING TO SUBMISSION OF NEW POLICIES.

Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended by adding at the end the following:

''(10) TIME LIMITS FOR RESPONSE TO SUBMISSION OF NEW POLICIES.—

''(A) IN GENERAL.—The Board shall establish a reasonable time period within which the Board shall approve or disapprove a proposal from a person regarding a new policy submitted in accordance with this subsection.

''(B) EFFECT OF FAILURE TO MEET TIME LIMITS.—Except as provided in subparagraph (C), if the Board fails to provide a response to a proposal described in subparagraph (A) in accordance with subparagraph (A), the new policy shall be deemed to be approved by the Board for purposes of this subsection for the initial reinsurance year designated for the new policy in the request.

''(C) EXCEPTIONS.—Subparagraph (B) shall not apply to a proposal submitted under this subsection if the Board and the person submitting the request agree to an extension of the time period.''.

SEC. 535. CROP INSURANCE STUDY.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall enter into a contract, with 1 or more entities outside the Federal Government with expertise in the establishment and delivery of crop and revenue insurance to agricultural producers, under which the contractor shall conduct a study of crop insurance issues specified in the contract, including—

(1) improvement of crop insurance service to agricultural producers;

(2) options for transforming the role of the Federal Government from a crop insurance provider to solely that of a crop insurance regulator; and

(3) privatization of crop insurance coverage.

(b) CONTRACTOR.—Not later than 180 days after the date the contract is entered into, the contractor shall complete the study and submit a report on the study, including appropriate recommendations, to the Secretary.

(c) REPORT.—Not later than 30 days after the date the Secretary receives the report, the Secretary shall submit the report, and any comments on the report, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 536. REQUIRED TERMS AND CONDITIONS OF STANDARD REINSURANCE AGREEMENTS.

(a) DEFINITIONS.—In this section, the terms ''approved insurance provider'' and ''Corporation'' have the meanings given the terms in section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)).

(b) TERMS AND CONDITIONS.—

(1) INCORPORATION OF AMENDMENTS.—For each of the 1999 and subsequent reinsurance years, the Corporation shall ensure that each Standard Reinsurance Agreement between an approved insurance provider and the Corporation reflects the amendments to the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) that are made by this subtitle to the extent the amendments are applicable to approved insurance providers.

(2) RETENTION OF EXISTING PROVISIONS.—Except to the extent necessary to implement the amendments made by this subtitle, each Standard Reinsurance Agreement described in paragraph (1) shall contain the following provisions of the Standard Reinsurance Agreement for the 1998 reinsurance year:

(A) Section II, concerning the terms of reinsurance and underwriting gain and loss for an approved insurance provider.

(B) Section III, concerning the terms for subsidies and administrative fees for an approved insurance provider.

(C) Section IV, concerning the terms for loss adjustment for an approved insurance provider under catastrophic risk protection.

(D) Section V.C., concerning interest payments between the Corporation and an approved insurance provider.

(E) Section V.I.5., concerning liquidated damages.

(c) IMPLEMENTATION.—To implement this subtitle and the amendments made by this subtitle, the Corporation is not required to amend provisions of the Standard Reinsurance Agreement not specifically affected by this subtitle or an amendment made by this subtitle.

SEC. 537. EFFECTIVE DATE.

Except as provided in section 535, this subtitle and the amendments made by this subtitle take effect on July 1, 1998.

TITLE VI—MISCELLANEOUS PROVISIONS

Subtitle A—Existing Authorities

SEC. 601. RETENTION AND USE OF FEES.

(a) ORGANIC CERTIFICATION.—Section 2107 of the Organic Foods Production Act of 1990 (7 U.S.C. 6506) is amended by adding at the end the following:

''(d) AVAILABILITY OF FEES.—

''(1) ACCOUNT.—Fees collected under subsection (a)(10) (including late payment penalties and interest earned from investment of the fees) shall be credited to the account that incurs the cost of the services provided under this title.

''(2) USE.—The collected fees shall be available to the Secretary, without further appropriation or fiscal-year limitation, to pay the expenses of the Secretary incurred in providing accreditation services under this title.''.

(b) NATIONAL ARBORETUM.—Section 6(b) of the Act of March 4, 1927 (20 U.S.C. 196(b)), is amended by striking ''Treasury'' and inserting ''Treasury. Amounts in the special fund shall be available to the Secretary of Agriculture, without further appropriation,''.

(c) PATENT CULTURE COLLECTION FEES.—

(1) RETENTION.—All funds collected by the Agricultural Research Service of the Department of Agriculture in connection with the acceptance of microorganisms for deposit in, or the distribution of microorganisms from, the Patent Culture Collection maintained and operated by the Agricultural Research Service shall be credited to the appropriation supporting the maintenance and operation of the Patent Culture Collection.

(2) USE.—The collected funds shall be available to the Agricultural Research Service, without further appropriation or fiscal-year limitation, to carry out its responsibilities under law (including international treaties) with respect to the Patent Culture Collection.

SEC. 602. OFFICE OF ENERGY POLICY AND NEW USES.

The Department of Agriculture Reorganization Act of 1994 is amended by inserting after section 219 (7 U.S.C. 6919) the following:

''SEC. 220. OFFICE OF ENERGY POLICY AND NEW USES.

''The Secretary shall establish for the Department, in the Office of the Secretary, an Office of Energy Policy and New Uses.''.

SEC. 603. KIWIFRUIT RESEARCH, PROMOTION, AND CONSUMER INFORMATION PROGRAM.

(a) AMENDMENTS TO ORDERS.—Section 554(c) of the National Kiwifruit Research, Promotion, and Consumer Information Act (7 U.S.C. 7463(c)) is amended in the second sentence by inserting before the period at the end the following: '', except that an amendment to an order shall not require a referendum to become effective''.

(b) NATIONAL KIWIFRUIT BOARD.—Section 555 of the National Kiwifruit Research, Promotion, and Consumer Information Act (7 U.S.C. 7464) is amended—

(1) in subsection (a), by striking paragraphs (1) through (3) and inserting the following:

''(1) 10 members who are producers, exporters, or importers (or their representatives), based on a proportional representation of the level of domestic production and imports of kiwifruit (as determined by the Secretary).

''(2) 1 member appointed from the general public.'';

(2) in subsection (b)—

(A) by striking ''MEMBERSHIP.—'' and all that follows through ''paragraph (2), the'' and inserting ''MEMBERSHIP.—Subject to the 11-member limit, the''; and

(B) by striking paragraph (2); and

(3) in subsection (c)—

(A) in paragraph (2), by inserting ''who are producers'' after ''members'';

(B) in paragraph (3)—

(i) by inserting ''who are importers or exporters'' after ''members''; and

(ii) by striking ''(a)(2)'' and inserting ''(a)(1)''; and

(C) in the second sentence of paragraph (5), by inserting ''and alternate'' after ''member''.

SEC. 604. FOOD ANIMAL RESIDUE AVOIDANCE DATABASE PROGRAM.

(a) CONTINUATION OF PROGRAM.—The Secretary of Agriculture shall continue operation of the Food Animal Residue Avoidance Database program (referred to in this section as the ''FARAD program'') through contracts, grants, or cooperative agreements with appropriate colleges or universities.

(b) ACTIVITIES.—In carrying out the FARAD program, the Secretary shall—

(1) provide livestock producers, extension specialists, scientists, and veterinarians with information to prevent drug, pesticide, and environmental contaminant residues in food animal products;

(2) maintain up-to-date information concerning—

(A) withdrawal times on FDA-approved food animal drugs and appropriate withdrawal intervals for drugs used in food animals in the United States, as established under section 512(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(a));

(B) official tolerances for drugs and pesticides in tissues, eggs, and milk;

(C) descriptions and sensitivities of rapid screening tests for detecting residues in tissues, eggs, and milk; and

(D) data on the distribution and fate of chemicals in food animals;

(3) publish periodically a compilation of food animal drugs approved by the Food and Drug Administration;

(4) make information on food animal drugs available to the public through handbooks and other literature, computer software, a telephone hotline, and the Internet;

(5) furnish producer quality-assurance programs with up-to-date data on approved drugs;

(6) maintain a comprehensive and up-to-date, residue avoidance database;

(7) provide professional advice for determining the withdrawal times necessary for food safety in the use of drugs in food animals; and

(8) engage in other activities designed to promote food safety.

(c) CONTRACT, GRANTS, AND COOPERATIVE AGREEMENTS.—The Secretary shall offer to enter into a contract, grant, or cooperative agreement with 1 or more appropriate colleges and universities to operate the FARAD program. The term of the contract, grant, or cooperative agreement shall be 3 years, with options to extend the term of the contract triennially.

(d) INDIRECT COSTS.—Federal funds provided by the Secretary under a contract, grant, or cooperative agreement under this section shall be subject to reduction for indirect costs of the recipient of the funds in an amount not to exceed 19 percent of the total Federal funds provided under the contract, grant, or cooperative agreement.

SEC. 605. HONEY RESEARCH, PROMOTION, AND CONSUMER INFORMATION.

(a) FINDINGS AND PURPOSES.—Section 2 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4601) is amended—

(1) by striking the section heading and all that follows through ''The Congress finds that:'' and inserting the following:

''SEC. 2. FINDINGS AND PURPOSES.

''(a) FINDINGS.—Congress makes the following findings:'';

(2) in subsection (a) (as so designated)—

(A) in paragraphs (6) and (7), by striking ''and consumer education'' each place it appears and inserting ''consumer education, and industry information''; and

(B) by inserting after paragraph (7) the following:

''(8) The ability to develop and maintain purity standards for honey and honey products is critical to maintaining the consumer confidence, safety, and trust that are essential components of any undertaking to maintain and develop markets for honey and honey products.

''(9) Research directed at improving the cost effectiveness and efficiency of beekeeping, as well as developing better means of dealing with pest and disease problems, is essential to keeping honey and honey product prices competitive and facilitating market growth as well as maintaining the financial well-being of the honey industry.

''(10) Research involving the quality, safety, and image of honey and honey products and how that quality, safety, and image may be affected during the extraction, processing, packaging, marketing, and other stages of the honey and honey product production and distribution process, is highly important to building and maintaining markets for honey and honey products.''; and

(3) by striking subsection (b) and inserting the following:

''(b) PURPOSES.—The purposes of this Act are—

''(1) to authorize the establishment of an orderly procedure for the development and financing, through an adequate assessment, of an effective, continuous, and nationally coordinated program of promotion, research, consumer education, and industry information designed to—

''(A) strengthen the position of the honey industry in the marketplace;

''(B) maintain, develop, and expand domestic and foreign markets and uses for honey and honey products;

''(C) maintain and improve the competitiveness and efficiency of the honey industry; and

''(D) sponsor research to develop better means of dealing with pest and disease problems;

''(2) to maintain and expand the markets for all honey and honey products in a manner that—

''(A) is not designed to maintain or expand any individual producer's, importer's, or handler's share of the market; and

''(B) does not compete with or replace individual advertising or promotion efforts designed to promote individual brand name or trade name honey or honey products; and

''(3) to authorize and fund programs that result in government speech promoting government objectives.

''(c) ADMINISTRATION.—Nothing in this Act—

''(1) prohibits the sale of various grades of honey;

''(2) provides for control of honey production;

''(3) limits the right of the individual honey producer to produce honey; or

''(4) creates a trade barrier to honey or honey products produced in a foreign country.''.

(b) DEFINITIONS.—Section 3 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4602) is amended—

(1) by striking paragraph (7) and inserting the following:

''(7) HANDLE.—

''(A) IN GENERAL.—The term 'handle' means to process, package, sell, transport, purchase, or in any other way place or cause to be placed in commerce, honey or a honey product.

''(B) INCLUSION.—The term 'handle' includes selling unprocessed honey that will be consumed or used without further processing or packaging.

''(C) EXCLUSIONS.—The term 'handle' does not include—

''(i) the transportation of unprocessed honey by a producer to a handler;

''(ii) the transportation by a commercial carrier of honey, whether processed or unprocessed, for a handler or producer; or

''(iii) the purchase of honey or a honey product by a consumer or other end-user of the honey or honey product.'';

(2) by adding at the end the following:

''(19) DEPARTMENT.—The term 'Department' means the Department of Agriculture.

''(20) HONEY PRODUCTION.—The term 'honey production' means all beekeeping operations related to—

''(A) managing honey bee colonies to produce honey;

''(B) harvesting honey from the colonies;

''(C) extracting honey from the honeycombs; and

''(D) preparing honey for sale for further processing.

''(21) INDUSTRY INFORMATION.—The term 'industry information' means information or a program that will lead to the development of new markets, new marketing strategies, or increased efficiency for the honey industry, or an activity to enhance the image of honey and honey products and of the honey industry.

''(22) NATIONAL HONEY MARKETING COOPERATIVE.—The term 'national honey marketing cooperative' means a cooperative that markets its products in at least 2 of the following 4 regions of the United States, as determined by the Secretary:

''(A) The Atlantic Coast, including the District of Columbia and the Commonwealth of Puerto Rico.

''(B) The Mideast.

''(C) The Midwest.

''(D) The Pacific, including the States of Alaska and Hawaii.

''(23) QUALIFIED NATIONAL ORGANIZATION REPRESENTING HANDLER INTERESTS.—The term 'qualified national organization representing handler interests' means an organization that the Secretary certifies as being eligible to recommend nominations for the Committee handler, handler-importer, alternate handler, and alternate handler-importer members of the Honey Board under section 7(b).

''(24) QUALIFIED NATIONAL ORGANIZATION REPRESENTING IMPORTER INTERESTS.—The term 'qualified national organization representing importer interests' means an organization that the Secretary certifies as being eligible to recommend nominations for the Committee importer, handler-importer, alternate importer, and alternate handler-importer members of the Honey Board under section 7(b).''; and

(3) by reordering the paragraphs so that they are in alphabetical order by term defined and redesignating the paragraphs accordingly.

(c) HONEY RESEARCH, PROMOTION, AND CONSUMER INFORMATION ORDER.—Section 4 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4603) is amended by inserting ''and regulations'' after ''orders''.

(d) NOTICE AND HEARING.—Section 5 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4604) is amended to read as follows:

''SEC. 5. NOTICE AND HEARING.

''(a) NOTICE AND COMMENT.—In issuing an order under this Act, an amendment to an order, or a regulation to carry out this Act, the Secretary shall comply with section 553 of title 5, United States Code.

''(b) FORMAL AGENCY ACTION.—Sections 556 and 557 of that title shall not apply with respect to the issuance of an order, an amendment to an order, or a regulation under this Act.

''(c) PROPOSAL OF AN ORDER.—A proposal for an order may be submitted to the Secretary by any organization or interested person affected by this Act.''.

(e) FINDINGS AND ISSUANCE OF ORDER.—Section 6 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4605) is amended to read as follows:

''SEC. 6. FINDINGS AND ISSUANCE OF ORDER.

''After notice and opportunity for comment has been provided in accordance with section 5(a), the Secretary shall issue an order, an amendment to an order, or a regulation under this Act, if the Secretary finds, and specifies in the order, amendment, or regulation, that the

issuance of the order, amendment, or regulation will assist in carrying out the purposes of this Act.''.

(f) REQUIRED TERMS OF AN ORDER.—

(1) NATIONAL HONEY NOMINATIONS COMMITTEE.—Section 7(b) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(b)) is amended—

(A) in paragraph (2), by striking ''except'' and all that follows through ''three-year terms'' and inserting ''except that the term of appointments to the Committee may be staggered periodically, as determined by the Secretary''; and

(B) in paragraph (5)—

(i) in the second sentence, by striking ''after the first annual meeting''; and

(ii) in the third sentence, by striking ''per centum'' and inserting ''percent''.

(2) HONEY BOARD.—Section 7(c) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(c)) is amended—

(A) by redesignating paragraphs (3) through (6) as paragraphs (8) through (11), respectively;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''seven'' and inserting ''7''; and

(ii) by striking subparagraphs (B) through (E) and all that follows and inserting the following:

''(B) 2 members who are handlers appointed from nominations submitted by the Committee from recommendations made by qualified national organizations representing handler interests;

''(C) if approved in a referendum conducted under this Act, 2 members who—

''(i) are handlers of honey;

''(ii) during any 3 of the preceding 5 years, were also importers of record of at least 40,000 pounds of honey; and

''(iii) are appointed from nominations submitted by the Committee from recommendations made by—

''(I) qualified national organizations representing handler interests or qualified national organizations representing importer interests; or

''(II) if the Secretary determines that there is not a qualified national organization representing handler interests or a qualified national organization representing importer interests, individual handlers or importers that have paid assessments to the Honey Board on imported honey or honey products;

''(D) 2 members who are importers appointed from nominations submitted by the Committee from recommendations made by—

''(i) qualified national organizations representing importer interests; or

''(ii) if the Secretary determines that there is not a qualified national organization representing importer interests, individual importers that have paid assessments to the Honey Board on imported honey or honey products; and

''(E) 1 member who is an officer, director, or employee of a national honey marketing cooperative appointed from nominations submitted by the Committee from recommendations made by qualified national honey marketing cooperatives.'';

(C) by inserting after paragraph (2) the following:

''(3) ALTERNATES.—The Committee shall submit nominations for an alternate for each member of the Honey Board described in paragraph (2). An alternate shall be appointed in the same manner as a member and shall serve when the member is absent from a meeting or is disqualified.

''(4) RECONSTITUTION.—

''(A) REVIEW.—If approved in a referendum conducted under this Act and in accordance with rules issued by the Secretary, the Honey Board shall review, at times determined under subparagraph (E)—

''(i) the geographic distribution of the quantities of domestically produced honey assessed under the order; and

''(ii) changes in the annual average percentage of assessments owed by importers under the order relative to assessments owed by producers and handlers of domestic honey, including—

''(I) whether any changes in assessments owed on imported quantities are owed by importers described in paragraph (5)(B); or

''(II) whether such importers are handler-importers described in paragraph (2)(C).

''(B) RECOMMENDATIONS.—If warranted and in accordance with this subsection, the Honey Board shall recommend to the Secretary—

''(i) changes in the regional representation of honey producers established by the Secretary;

''(ii) if necessary to reflect any changes in the proportion of domestic and imported honey assessed under the order or the source of assessments on imported honey or honey products, the reallocation of—

''(I) handler-importer member positions under paragraph (2)(C) as handler member positions under paragraph (2)(B);

''(II) importer member positions under paragraph (2)(D) as handler-importer member positions under paragraph (2)(C); or

''(III) handler-importer member positions under paragraph (2)(C) as importer member positions under paragraph (2)(D); or

''(iii) if necessary to reflect any changes in the proportion of domestic and imported honey or honey products assessed under the order, the addition of members to the Honey Board under subparagraph (A), (B), (C), or (D) of paragraph (2).

''(C) SCOPE OF REVIEW.—The review required under subparagraph (A) shall be based on data from the 5-year period preceding the year in which the review is conducted.

''(D) BASIS FOR RECOMMENDATIONS.—

''(i) IN GENERAL.—Except as provided in subparagraph (F), recommendations made under subparagraph (B) shall be based on—

''(I) the 5-year average annual assessments, excluding the 2 years containing the highest and lowest disparity between the proportion of assessments owed from imported and domestic honey or honey products, determined pursuant to the review that is conducted under subparagraph (A); and

''(II) whether any change in the average annual assessments is from the assessments owed by importers described in paragraph (5)(B) or from the assessments owed by handler-importers described in paragraph (2)(C).

''(ii) PROPORTIONS.—The Honey Board shall recommend a reallocation or addition of members pursuant to clause (ii) or (iii) of subparagraph (B) only if 1 or more of the following proportions change by more than 6 percent from the base period proportion determined in accordance with subparagraph (F):

''(I) The proportion of assessments owed by handler-importers described in paragraph (2)(C) compared with the proportion of assessments owed by importers described in paragraph (2)(D).

''(II) The proportion of assessments owed by importers compared with the proportion of assessments owed on domestic honey by producers and handlers.

''(E) TIMING OF REVIEW.—

''(i) IN GENERAL.—The Honey Board shall conduct the reviews required under this paragraph not more than once during each 5-year period.

''(ii) INITIAL REVIEW.—The Honey Board shall conduct the initial review required under this paragraph prior to the initial continuation referendum conducted under section 13(c) following the referendum conducted under section 14.

''(F) BASE PERIOD PROPORTIONS.—

''(i) IN GENERAL.—The base period proportions for determining the magnitude of change under subparagraph (D) shall be the proportions determined during the prior review conducted under this paragraph.

''(ii) INITIAL REVIEW.—In the case of the initial review required under subparagraph (E)(ii), the base period proportions shall be the proportions determined by the Honey Board for fiscal year 1996.

''(5) RESTRICTIONS ON NOMINATION AND APPOINTMENT.—

''(A) PRODUCER-PACKERS AS PRODUCERS.—No producer-packer that, during any 3 of the preceding 5 years, purchased for resale more honey than the producer-packer produced shall be eligible for nomination or appointment to the Honey Board as a producer described in paragraph (2)(A) or as an alternate to such a producer.

''(B) IMPORTERS.—No importer that, during any 3 of the preceding 5 years, did not receive at least 75 percent of the gross income generated by the sale of honey and honey products from the sale of imported honey and honey products shall be eligible for nomination or appointment to the Honey Board as an importer described in paragraph (2)(D) or an alternate to such an importer.

''(6) CERTIFICATION OF ORGANIZATIONS.—

''(A) IN GENERAL.—The eligibility of an organization to participate in the making of recommendations to the Committee for nomination to the Honey Board to represent handlers or importers under this section shall be certified by the Secretary.

''(B) ELIGIBILITY CRITERIA.—Subject to the other provisions of this paragraph, the Secretary shall certify an organization that the Secretary determines meets the eligibility criteria established by the Secretary under this paragraph.

''(C) FINALITY.—An eligibility determination of the Secretary under this paragraph shall be final.

''(D) BASIS FOR CERTIFICATION.—Certification of an organization under this paragraph shall be based on, in addition to other available information, a factual report submitted by the organization that contains information considered relevant by the Secretary, including—

''(i) the geographic territory covered by the active membership of the organization;

''(ii) the nature and size of the active membership of the organization, including the proportion of the total number of active handlers or importers represented by the organization;

''(iii) evidence of the stability and permanency of the organization;

''(iv) sources from which the operating funds of the organization are derived;

''(v) the functions of the organization; and

''(vi) the ability and willingness of the organization to further the purposes of this Act.

''(E) PRIMARY CONSIDERATIONS.—A primary consideration in determining the eligibility of an organization under this paragraph shall be whether—

''(i) the membership of the organization consists primarily of handlers or importers that derive a substantial quantity of their income from sales of honey and honey products; and

''(ii) the organization has an interest in the marketing of honey and honey products.

''(F) NONMEMBERS.—As a condition of certification under this paragraph, an organization shall agree—

''(i) to notify nonmembers of the organization of Honey Board nomination opportunities for which the organization is certified to make recommendations to the Committee; and

''(ii) to consider the nomination of nonmembers when making the nominations of the organization to the Committee, if nonmembers indicate an interest in serving on the Honey Board.

''(7) MINIMUM PERCENTAGE OF HONEY PRODUCERS.—Notwithstanding any other provision of this subsection, at least 50 percent of the members of the Honey Board shall be honey producers.''; and

(D) in paragraph (8) (as so redesignated), by striking ''except'' and all that follows through ''three-year terms'' and inserting ''except that appointments to the Honey Board may be staggered periodically, as determined by the Secretary, to maintain continuity of the Honey Board with respect to all members and with respect to members representing particular groups.''.

(3) ASSESSMENTS.—Section 7(e) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(e)) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively;

(B) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The Honey Board shall administer collection of the assessment provided for in this subsection, and may accept voluntary contributions from other sources, to finance the expenses described in subsections (d) and (f).

''(2) RATE.—Except as provided in paragraph (3), the assessment rate shall be $0.0075 per pound (payable in the manner described in section 9), with—

''(A) in the case of honey produced in the United States, $0.0075 per pound payable by honey producers; and

''(B) in the case of honey or honey products imported into the United States, $0.0075 per pound payable by honey importers.

''(3) ALTERNATIVE RATE APPROVED IN REFERENDUM.—If approved in a referendum conducted under this Act, the assessment rate shall be $0.015 per pound (payable in the manner described in section 9)—

''(A) in the case of honey produced in the United States—

''(i) $0.0075 per pound payable by—

''(I) honey producers; and

''(II) producer-packers on all honey produced by the producer-packers; and

''(ii) $0.0075 per pound payable by—

''(I) handlers; and

''(II) producer-packers on all honey and honey products handled by the producer-packers, including honey produced by the producer-packers); and

''(B) in the case of honey and honey products imported into the United States, $0.015 per pound payable by honey importers, of which $0.0075 per pound represents the assessment due from the handler to be paid by the importer on behalf of the handler.'';

(C) in paragraph (4) (as so redesignated), by striking subparagraph (B) and inserting the following:

''(B) SMALL QUANTITIES.—

''(i) IN GENERAL.—A producer, producer-packer, handler, or importer that produces, imports, or handles during a year less than 6,000 pounds of honey or honey products shall be exempt in that year from payment of an assessment on honey or honey products that the person distributes directly through local retail outlets, as determined by the Secretary, during that year.

''(ii) INAPPLICABILITY.—If a person no longer meets the requirements of clause (i) for an exemption, the person shall—

''(I) file a report with the Honey Board in the form and manner prescribed by the Honey Board; and

''(II) pay an assessment on or before March 15 of the subsequent year on all honey or honey products produced, imported, or handled by the person during the year in which the person no longer meets the requirements of clause (i) for an exemption.''; and

(D) in paragraph (5) (as so redesignated)—

(i) by inserting ''handler,'' after ''producer-packer'' each place it appears;

(ii) by striking ''paragraph (2)'' and inserting ''paragraph (4)''; and

(iii) by inserting '', handler,'' after ''producer'' the last place it appears.

(4) USE OF FUNDS.—Section 7(f) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(f)) is amended—

(A) by striking ''(f) Funds collected by the Honey Board from the assessments'' and inserting the following:

''(f) FUNDS.—

''(1) USE.—Funds collected by the Honey Board'';

(B) by striking ''The Secretary shall'' and inserting the following:

''(3) REIMBURSEMENT.—The Secretary shall''; and

(C) by inserting after paragraph (1) (as designated by subparagraph (A)) the following:

''(2) RESEARCH PROJECTS.—

''(A) IN GENERAL.—If approved in a referendum conducted under this Act, the Honey Board shall reserve at least 8 percent of all assessments collected during a year for expenditure on approved research projects designed to advance the cost effectiveness, competitiveness, efficiency, pest and disease control, and other management aspects of beekeeping, honey production, and honey bees.

''(B) CARRYOVER.—If all funds reserved under subparagraph (A) are not allocated to approved research projects in a year, any reserved funds remaining unallocated shall be carried forward for allocation and expenditure under subparagraph (A) in subsequent years.''.

(5) FALSE OR UNWARRANTED CLAIMS OR STATEMENTS.—Section 7(g) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(g)) is amended by striking ''with assessments collected'' and inserting ''by the Honey Board''.

(6) INFLUENCING GOVERNMENTAL POLICY OR ACTION.—Section 7(h) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(h)) is amended by striking ''through assessments authorized by'' and inserting ''by the Honey Board under''.

(g) PERMISSIVE TERMS AND PROVISIONS.—Section 8 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4607) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''On''; and

(2) by adding at the end the following:

''(8) If approved in a referendum conducted under this Act, providing authority for the development of programs and related rules and regulations that will, with the approval of the Secretary, establish minimum purity standards for honey and honey products that are designed to maintain a positive and wholesome marketing image for honey and honey products.

''(b) INSPECTION AND MONITORING SYSTEM.—

''(1) INSPECTION.—Any program, rule, or regulation under subsection (a)(8) may provide for the inspection, by the Secretary, of honey and honey products being sold for domestic consumption in, or for export from, the United States.

''(2) MONITORING SYSTEM.—The Honey Board may develop and recommend to the Secretary a system for monitoring the purity of honey and honey products being sold for domestic consumption in, or for export from, the United States, including a system for identifying adulterated honey.

''(3) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary may coordinate, to the maximum extent practicable, with the head of any other Federal agency that has authority to ensure compliance with labeling or other requirements relating to the purity of honey and honey products concerning an enforcement action against any person that does not comply with a rule or regulation issued by any other Federal agency concerning the labeling or purity requirements of honey and honey products.

''(4) AUTHORITY TO ISSUE REGULATIONS.—The Secretary may issue such rules and regulations as are necessary to carry out this subsection.

''(c) VOLUNTARY QUALITY ASSURANCE PROGRAM.—

''(1) IN GENERAL.—In addition to or independent of any program, rule, or regulation under subsection (b), the Honey Board, with the approval of the Secretary, may establish and carry out a voluntary quality assurance program concerning purity standards for honey and honey products.

''(2) COMPONENTS.—The program may include—

''(A) the establishment of an official Honey Board seal of approval to be displayed on honey and honey products of producers, handlers, and importers that participate in the voluntary program and are found to meet such standards of purity as are established under the program;

''(B) actions to encourage producers, handlers, and importers to participate in the program;

''(C) actions to encourage consumers to purchase honey and honey products bearing the official seal of approval; and

''(D) periodic inspections by the Secretary, or other parties approved by the Secretary, of honey and honey products of producers, handlers, and importers that participate in the voluntary program.

''(3) DISPLAY OF SEAL OF APPROVAL.—To be eligible to display the official seal of approval established under paragraph (2)(A) on a honey or honey product, a producer, handler, or importer shall participate in the voluntary program under this subsection.

''(d) AUTHORITY OF THE SECRETARY.—Notwithstanding any other provision of this Act, the Secretary shall have the authority to approve or disapprove the establishment of minimum purity standards, the inspection and monitoring system under subsection (b), and the voluntary quality assurance program under subsection (c).''.

(h) COLLECTION OF ASSESSMENTS.—

(1) NEW ASSESSMENT.—Section 9 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4608) is amended—

(A) by striking subsection (a) and inserting the following:

''(a) HANDLERS.—Except as otherwise provided in this section, a first handler of honey shall be responsible, at the time of first purchase—

''(1) for the collection, and payment to the Honey Board, of the assessment payable by a producer under section 7(e)(2)(A) or, if approved in a referendum conducted under this Act, under section 7(e)(3)(A)(i); and

''(2) if approved in a referendum conducted under this Act, for the payment to the Honey Board of an additional assessment payable by the handler under section 7(e)(3)(A)(ii).'';

(B) by striking subsection (c) and inserting the following:

''(c) IMPORTERS.—Except as otherwise provided in this section, at the time of entry of honey and honey products into the United States, an importer shall remit to the Honey Board through the United States Customs Service—

''(1) the assessment on the imported honey and honey products required under section 7(e)(2)(B); or

''(2) if approved in a referendum conducted under this Act, the assessment on the imported honey and honey products required under section 7(e)(3)(B), of which the amount payable under section 7(e)(3)(A)(ii) represents the assessment due from the handler to be paid by the importer on behalf of the handler.''; and

(C) by striking subsection (e) and inserting the following:

''(e) PRODUCER-PACKERS.—Except as otherwise provided in this section, a producer-packer shall be responsible for the collection, and payment to the Honey Board, of—

''(1) the assessment payable by the producer-packer under section 7(e)(2)(A) or, if approved in a referendum conducted under this Act, under section 7(e)(3)(A)(i) on honey produced by the producer-packer;

''(2) at the time of first purchase, the assessment payable by a producer under section 7(e)(2)(A) or, if approved in a referendum conducted under this Act, under section 7(e)(3)(A)(i) on honey purchased by the producer-packer as a first handler; and

''(3) if approved in a referendum conducted under this Act, an additional assessment payable by the producer-packer under section 7(e)(3)(A)(ii).''.

(2) INSPECTION; BOOKS AND RECORDS.—Section 9 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4608) is amended by striking subsection (f) and inserting the following:

''(f) INSPECTION; BOOKS AND RECORDS.—

''(1) IN GENERAL.—To make available to the Secretary and the Honey Board such information and data as are necessary to carry out this Act (including an order or regulation issued under this Act), a handler, importer, producer, or producer-packer responsible for payment of an assessment under this Act, and a person receiving an exemption from an assessment under section 7(e)(4), shall—

''(A) maintain and make available for inspection by the Secretary and the Honey Board such books and records as are required by the order and regulations issued under this Act; and

''(B) file reports at the times, in the manner, and having the content prescribed by the order and regulations, which reports shall include the total number of bee colonies maintained, the quantity of honey produced, and the quantity of honey and honey products handled or imported.

''(2) EMPLOYEE OR AGENT.—To conduct an inspection or review a report of a handler, importer, producer, or producer-packer under paragraph (1), an individual shall be an employee or agent of the Department or the Honey Board, and shall not be a member or alternate member of the Honey Board.

''(3) CONFIDENTIALITY.—An employee or agent described in paragraph (2) shall be subject to the confidentiality requirements of subsection (g).''.

(3) CONFIDENTIALITY OF INFORMATION; DISCLOSURE.—Section 9 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4608) is amended by striking subsection (g) and inserting the following:

''(g) CONFIDENTIALITY OF INFORMATION; DISCLOSURE.—

''(1) IN GENERAL.—All information obtained under subsection (f) shall be kept confidential by all officers, employees, and agents of the Department or of the Honey Board.

''(2) DISCLOSURE.—Information subject to paragraph (1) may be disclosed—

''(A) only in a suit or administrative hearing brought at the request of the Secretary, or to which the Secretary or any officer of the United States is a party, that involves the order with respect to which the information was furnished or acquired; and

''(B) only if the Secretary determines that the information is relevant to the suit or administrative hearing.

''(3) EXCEPTIONS.—Nothing in this subsection prohibits—

''(A) the issuance of general statements based on the reports of a number of handlers subject to an order, if the statements do not identify the information furnished by any person; or

''(B) the publication, by direction of the Secretary, of the name of any person that violates any order issued under this Act, together with a statement of the particular provisions of the order violated by the person.

''(4) VIOLATION.—Any person that knowingly violates this subsection, on conviction—

''(A) shall be fined not more than $1,000, imprisoned not more than 1 year, or both; and

''(B) if the person is an officer or employee of the Honey Board or the Department, shall be removed from office.''.

(4) REFUNDS.—Section 9 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4608) is amended by striking subsection (h).

(5) ADMINISTRATION AND REMITTANCE.—Section 9 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4608) (as amended by paragraph (4)) is amended by inserting after subsection (g) the following:

''(h) ADMINISTRATION AND REMITTANCE.—Administration and remittance of the assessments under this Act shall be conducted—

''(1) in the manner prescribed in the order and regulations issued under this Act; and

''(2) if approved in a referendum conducted under this Act, in a manner that ensures that all honey and honey products are assessed a total of, but not more than, $0.015 per pound, including any producer or importer assessment.''.

(6) LIABILITY FOR ASSESSMENTS.—Section 9(i) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4608(i)) is amended—

(A) by striking ''(i) If'' and inserting the following:

''(i) LIABILITY FOR ASSESSMENTS.—

''(1) PRODUCERS.—If''; and

(B) by adding at the end the following:

''(2) IMPORTERS.—If the United States Customs Service fails to collect an assessment from an importer or an importer fails to pay an assessment at the time of entry of honey and honey products into the United States under this section, the importer shall be responsible for the remission of the assessment to the Honey Board.''.

(i) PETITION AND REVIEW.—Section 10 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4609) is amended by striking subsection (a) and inserting the following:

''(a) FILING OF PETITION; HEARING.—

''(1) IN GENERAL.—Subject to paragraph (4), a person subject to an order may file a written petition with the Secretary—

''(A) that states that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law; and

''(B) that requests—

''(i) a modification of the order, provision, or obligation; or

''(ii) to be exempted from the order, provision, or obligation.

''(2) HEARING.—In accordance with regulations issued by the Secretary, the petitioner shall be given an opportunity for a hearing on the petition.

''(3) RULING.—After the hearing, the Secretary shall make a ruling on the petition that shall be final, if in accordance with law.

''(4) STATUTE OF LIMITATIONS.—A petition filed under this subsection that challenges an order, any provision of the order, or any obligation imposed in connection with the order, shall be filed not later than 2 years after the later of—

''(A) the effective date of the order, provision, or obligation challenged in the petition; or

''(B) the date on which the petitioner became subject to the order, provision, or obligation challenged in the petition.''.

(j) ENFORCEMENT.—Subsections (a) and (b) of section 11 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4610) are amended by striking ''plan'' each place it appears and inserting ''order''.

(k) REQUIREMENTS OF REFERENDUM.—Section 12 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4611) is amended to read as follows:

''SEC. 12. REQUIREMENTS OF REFERENDUM.

''(a) IN GENERAL.—For the purpose of ascertaining whether issuance of an order is approved by producers, importers, and in the case of an order assessing handlers, handlers, the Secretary shall conduct a referendum among producers, importers, and, in the case of an order assessing handlers, handlers, not exempt under section 7(e)(4), that, during a representative period determined by the Secretary, have been engaged in the production, importation, or handling of honey or honey products.

''(b) EFFECTIVENESS OF ORDER.—

''(1) IN GENERAL.—No order issued under this Act shall be effective unless the Secretary determines that—

''(A) the order is approved by a majority of the producers, importers, and if covered by the order, handlers, voting in the referendum; and

''(B) the producers, importers, and handlers comprising the majority produced, imported, and handled not less than 50 percent of the quantity of the honey and honey products produced, imported, and handled during the representative period by the persons voting in the referendum.

''(2) AMENDMENTS TO ORDERS.—The Secretary may amend an order in accordance with the administrative procedures specified in sections 5 and 6, except that the Secretary may not amend a provision of an order that implements a provision of this Act that specifically provides for approval in a referendum without the approval provided for in this section.

''(c) PRODUCER-PACKERS AND IMPORTERS.—

''(1) IN GENERAL.—Each producer-packer and each importer shall have 1 vote as a handler as well as 1 vote as a producer or importer (unless exempt under section 7(e)(4)) in all referenda concerning orders assessing handlers to the extent that the individual producer-packer or importer owes assessments as a handler.

''(2) ATTRIBUTION OF QUANTITY OF HONEY.—For the purpose of subsection (b)(1)(B)—

''(A) the quantity of honey or honey products on which the qualifying producer-packer or importer owes assessments as a handler shall be attributed to the person's vote as a handler under paragraph (1); and

''(B) the quantity of honey or honey products on which the producer-packer or importer owes an assessment as a producer or importer shall be attributed to the person's vote as a producer or importer.

''(d) CONFIDENTIALITY.—The ballots and other information or reports that reveal, or tend to reveal, the identity or vote of any producer, importer, or handler of honey or honey products shall be held strictly confidential and shall not be disclosed.''.

(l) TERMINATION OR SUSPENSION.—Section 13 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4612) is amended to read as follows:

''SEC. 13. TERMINATION OR SUSPENSION.

''(a) DEFINITION OF PERSON.—In this section, the term 'person' means a producer, importer, or handler.

''(b) AUTHORITY OF SECRETARY.—If the Secretary finds that an order issued under this Act, or any provision of the order, obstructs or does not tend to effectuate the purposes of this Act, the Secretary shall terminate or suspend the operation of the order or provision.

''(c) PERIODIC REFERENDA.—Except as provided in subsection (d)(3) and section 14(g), on the date that is 5 years after the date on which the Secretary issues an order authorizing the collection of assessments on honey or honey products under this Act, and every 5 years thereafter, the Secretary shall conduct a referendum to determine if the persons subject to assessment under the order approve continuation of the order in accordance with section 12.

''(d) REFERENDA ON REQUEST.—

''(1) IN GENERAL.—On the request of the Honey Board or the petition of at least 10 percent of the total number of persons subject to assessment under the order, the Secretary shall conduct a referendum to determine if the persons subject to assessment under the order approve continuation of the order in accordance with section 12.

''(2) LIMITATION.—Referenda conducted under paragraph (1) may not be held more than once every 2 years.

''(3) EFFECT ON PERIODIC REFERENDA.—If a referendum is conducted under this subsection and the Secretary determines that continuation of the order is approved under section 12, any referendum otherwise required to be conducted under subsection (c) shall not be held before the date that is 5 years after the date of the referendum conducted under this subsection.

''(e) TIMING AND REQUIREMENTS FOR TERMINATION OR SUSPENSION.—

''(1) IN GENERAL.—The Secretary shall terminate or suspend an order at the end of the marketing year during which a referendum is conducted under subsection (c) or (d) if the Secretary determines that continuation of an order is not approved under section 12.

''(2) SUBSEQUENT REFERENDUM.—If the Secretary terminates or suspends an order that assesses the handling of honey and honey products under paragraph (1), the Secretary shall, not later than 90 days after submission of a proposed order by an interested party—

''(A) propose another order to establish a research, promotion, and consumer information program; and

''(B) conduct a referendum on the order among persons that would be subject to assessment under the order.

''(3) EFFECTIVENESS OF ORDER.—Section 12 shall apply in determining the effectiveness of the subsequent amended order under paragraph (2).''.

(m) IMPLEMENTATION OF AMENDMENTS.—The Honey Research, Promotion, and Consumer Information Act is amended by inserting after section 13 (7 U.S.C. 4612) the following:

''SEC. 14. IMPLEMENTATION OF AMENDMENTS MADE BY AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998.

''(a) ISSUANCE OF AMENDED ORDER.—To implement the amendments made to this Act by section 605 of the Agricultural Research, Extension, and Education Reform Act of 1998 (other than subsection (m) of that section), the Secretary shall issue an amended order under section 4 that reflects those amendments.

''(b) PROPOSAL OF AMENDED ORDER.—Not later than 90 days after the date of enactment of this section, the Secretary shall publish a proposed order under section 4 that reflects the amendments made by section 605 of the Agricultural Research, Extension, and Education Reform Act of 1998. The Secretary shall provide notice and an opportunity for public comment on the proposed order in accordance with section 5.

''(c) ISSUANCE OF AMENDED ORDER.—Not later than 240 days after publication of the proposed order, the Secretary shall issue an order under section 6, taking into consideration the comments received and including in the order such provisions as are necessary to ensure that the order conforms with the amendments made by section 605 of the Agricultural Research, Extension, and Education Reform Act of 1998.

''(d) REFERENDUM ON AMENDED ORDER.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—On issuance of an order under section 6 reflecting the amendments made by section 605 of the Agricultural Research, Extension, and Education Reform Act of 1998, the Secretary shall conduct a referendum under this section for the sole purpose of determining whether the order as amended shall become effective.

''(B) INDIVIDUAL PROVISIONS.—No individual provision of the amended order shall be subject to a separate vote under the referendum.

''(2) ELIGIBLE VOTERS.—The Secretary shall conduct the referendum among persons subject to assessment under the order that have been producers, producer-packers, importers, or handlers during the 2-calendar-year period that precedes the referendum, which period shall be considered to be the representative period.

''(3) DETERMINATION OF QUANTITY.—

''(A) IN GENERAL.—Producer-packers, importers, and handlers shall be allowed to vote as if—

''(i) the amended order had been in place during the representative period described in paragraph (2); and

''(ii) they had owed the increased assessments provided by the amended order.

''(B) VOTES AND ATTRIBUTED QUANTITY FOR PRODUCER-PACKERS AND IMPORTERS.—The votes and the quantity of honey and honey products attributed to the votes of producer-packers and importers shall be determined in accordance with section 12.

''(C) ATTRIBUTED QUANTITY FOR HANDLERS.—The quantity of honey and honey products attributed to the vote of a handler shall be the quantity handled in the representative period described in paragraph (2) for which the handler would have owed assessments had the amended order been in effect.

''(4) EFFECTIVENESS OF ORDER.—The amended order shall become effective only if the Secretary determines that the amended order is effective in accordance with section 12.

''(e) CONTINUATION OF EXISTING ORDER IF AMENDED ORDER IS REJECTED.—If adoption of the amended order is not approved—

''(1) the order issued under section 4 that is in effect on the date of enactment of this section shall continue in full force and effect; and

''(2) the Secretary may amend the order to ensure the conformity of the order with this Act (as in effect on the day before the date of enactment of this section).

''(f) EFFECT OF REJECTION ON SUBSEQUENT ORDERS.—

''(1) IN GENERAL.—Subject to paragraph (2), if adoption of the amended order is not approved in the referendum required under subsection (d), the Secretary may issue an amended order that implements some or all of the amendments made to this Act by section 605 of the Agricultural Research, Extension, and Education Reform Act of 1998, or makes other changes to an existing order, in accordance with the administrative procedures specified in sections 5 and 6.

''(2) APPROVAL.—An amendment to an order that implements a provision that is subject to a referendum shall be approved in accordance with section 12 before becoming effective.

''(g) EFFECT ON PERIODIC REFERENDA.—If the amended order becomes effective, any referendum otherwise required to be conducted under section 13(c) shall not be held before the date that is 5 years after the date of the referendum conducted under this section.''.

SEC. 606. TECHNICAL CORRECTIONS.

(a) SUPPLEMENTAL AND ALTERNATIVE CROPS RESEARCH.—Effective as of April 6, 1996, section 819(b)(5) of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 1167) is amended by striking ''paragraph (3)'' and inserting ''subsection (c)(3)''.

(b) JOINT COUNCIL ON FOOD AND AGRICULTURAL SCIENCES.—Section 1413(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3128(b)) is amended by striking ''Joint Council, the Advisory Board,'' and inserting ''Advisory Board''.

(c) ADVISORY BOARD.—

(1) SUPPORT FOR ADVISORY BOARD.—Section 1412 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3127) is amended—

(A) in subsections (a) and (b), by striking ''their duties'' each place it appears and inserting ''its duties''; and

(B) in subsection (c), by striking ''their recommendations'' and inserting ''its recommendations''.

(2) GENERAL PROVISIONS.—Section 1413(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3128(a)) is amended by striking ''their powers'' and inserting ''its duties''.

(d) ANIMAL HEALTH AND DISEASE RESEARCH.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended—

(1) in section 1430 (7 U.S.C. 3192)—

(A) in paragraph (3), by adding ''and'' at the end;

(B) by striking paragraph (4); and

(C) by redesignating paragraph (5) as paragraph (4);

(2) in section 1433(b)(3) (7 U.S.C. 3195(b)(3)), by striking ''with the advice, when available, of the Board'';

(3) in section 1434(c) (7 U.S.C. 3196(c))—

(A) in the second sentence, by striking ''and the Board''; and

(B) in the fourth sentence, by striking '', the Advisory Board, and the Board'' and inserting ''and the Advisory Board''; and

(4) in the first sentence of section 1437 (7 U.S.C. 3199), by striking ''with the advice, when available, of the Board''.

(e) RANGELAND RESEARCH.—The second sentence of section 1483(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3336(b)) is amended by striking the last sentence.

(f) PLANT AND ANIMAL PEST AND DISEASE CONTROL PROGRAM.—Section 1629(g) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5832(g)) is amended by striking ''section 1650,''.

(g) GRANTS TO UPGRADE 1890 INSTITUTIONS EXTENSION FACILITIES.—Effective as of April 6, 1996, section 873 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 1175) is amended by striking ''1981'' and inserting ''1985''.

(h) COMPETITIVE AND SPECIAL GRANTS.—The Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) is amended—

(1) in subsection (b)(1), by striking ''Joint Council on Food and Agricultural Sciences and the National Agricultural Research and Extension Users Advisory Board'' and inserting ''National Agricultural Research, Extension, Education, and Economics Advisory Board (as established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123))''; and

(2) by striking subsection (l).

Subtitle B—New Authorities

SEC. 611. NUTRIENT COMPOSITION DATA.

(a) IN GENERAL.—The Secretary of Agriculture shall update, on a periodic basis, nutrient composition data.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

(1) the method the Secretary will use to update nutrient composition data, including the quality assurance criteria that will be used and the method for generating the data; and

(2) the timing for updating the data.

SEC. 612. NATIONAL SWINE RESEARCH CENTER.

Subject to the availability of appropriations to carry out this section, or through a reprogramming of funds provided for swine research to carry out this section pursuant to established procedures, during the period beginning on the date of enactment of this Act and ending December 31, 1998, the Secretary of Agriculture, acting through the Agricultural Research Service, may accept as a gift, and administer, the National Swine Research Center located in Ames, Iowa.

SEC. 613. ROLE OF SECRETARY REGARDING FOOD AND AGRICULTURAL SCIENCES RESEARCH AND EXTENSION.

The Secretary of Agriculture shall be the principal official in the executive branch responsible for coordinating all Federal research and extension activities related to food and agricultural sciences.

SEC. 614. OFFICE OF PEST MANAGEMENT POLICY.

(a) PURPOSE.—The purpose of this section is to establish an Office of Pest Management Policy to provide for the effective coordination of agricultural policies and activities within the Department of Agriculture related to pesticides and of the development and use of pest management tools, while taking into account the effects of regulatory actions of other government agencies.

(b) ESTABLISHMENT OF OFFICE; PRINCIPAL RESPONSIBILITIES.—The Secretary of Agriculture shall establish in the Department an Office of

Pest Management Policy, which shall be responsible for—

(1) the development and coordination of Department policy on pest management and pesticides;

(2) the coordination of activities and services of the Department, including research, extension, and education activities, regarding the development, availability, and use of economically and environmentally sound pest management tools and practices;

(3) assisting other agencies of the Department in fulfilling their responsibilities related to pest management or pesticides under the Food Quality Protection Act of 1996 (Public Law 104–170; 110 Stat. 1489), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), and other applicable laws; and

(4) performing such other functions as may be required by law or prescribed by the Secretary.

(c) INTERAGENCY COORDINATION.—In support of its responsibilities under subsection (b), the Office of Pest Management Policy shall provide leadership to ensure coordination of interagency activities with the Environmental Protection Agency, the Food and Drug Administration, and other Federal and State agencies.

(d) OUTREACH.—The Office of Pest Management Policy shall consult with agricultural producers that may be affected by pest management or pesticide-related activities or actions of the Department or other agencies as necessary in carrying out the Office's responsibilities under this section.

(e) DIRECTOR.—The Office of Pest Management Policy shall be under the direction of a Director appointed by the Secretary, who shall report directly to the Secretary or a designee of the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.

SEC. 615. FOOD SAFETY RESEARCH INFORMATION OFFICE AND NATIONAL CONFERENCE.

(a) FOOD SAFETY RESEARCH INFORMATION OFFICE.—

(1) ESTABLISHMENT.—The Secretary of Agriculture shall establish a Food Safety Research Information Office at the National Agricultural Library.

(2) PURPOSE.—The Office shall provide to the research community and the general public information on publicly funded, and to the maximum extent practicable, privately funded food safety research initiatives for the purpose of—

(A) preventing unintended duplication of food safety research; and

(B) assisting the executive and legislative branches of the Federal Government and private research entities to assess food safety research needs and priorities.

(3) COOPERATION.—The Office shall carry out this subsection in cooperation with the National Institutes of Health, the Food and Drug Administration, the Centers for Disease Control and Prevention, public institutions, and, on a voluntary basis, private research entities.

(b) NATIONAL CONFERENCE; ANNUAL WORKSHOPS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall sponsor a conference to be known as the ''National Conference on Food Safety Research'', for the purpose of beginning the task of prioritization of food safety research. The Secretary shall sponsor annual workshops in each of the subsequent 4 years after the conference so that priorities can be updated or adjusted to reflect changing food safety concerns.

(c) FOOD SAFETY REPORT.—With regard to the study and report to be prepared by the National Academy of Sciences on the scientific and organizational needs for an effective food safety system, the study shall include recommendations to ensure that the food safety inspection system, within the resources traditionally available to existing food safety agencies, protects the public health.

SEC. 616. SAFE FOOD HANDLING EDUCATION.

The Secretary of Agriculture shall continue to develop a national program of safe food handling education for adults and young people to reduce the risk of food-borne illness. The national program shall be suitable for adoption and implementation through State cooperative extension services and school-based education programs.

SEC. 617. REIMBURSEMENT OF EXPENSES INCURRED UNDER SHEEP PROMOTION, RESEARCH, AND INFORMATION ACT OF 1994.

Using funds available to the Agricultural Marketing Service, the Service may reimburse the American Sheep Industry Association for expenses incurred by the American Sheep Industry Association between February 6, 1996, and May 17, 1996, in preparation for the implementation of a sheep and wool promotion, research, education, and information order under the Sheep Promotion, Research, and Information Act of 1994 (7 U.S.C. 7101 et seq.).

SEC. 618. DESIGNATION OF CRISIS MANAGEMENT TEAM WITHIN DEPARTMENT.

(a) DESIGNATION OF CRISIS MANAGEMENT TEAM.—The Secretary of Agriculture shall designate a Crisis Management Team within the Department of Agriculture, which shall be—

(1) composed of senior departmental personnel with strong subject matter expertise selected from each relevant agency of the Department; and

(2) headed by a team leader with management and communications skills.

(b) DUTIES OF CRISIS MANAGEMENT TEAM.—The Crisis Management Team shall be responsible for the following:

(1) Developing a Department-wide crisis management plan, taking into account similar plans developed by other government agencies and other large organizations, and developing written procedures for the implementation of the crisis management plan.

(2) Conducting periodic reviews and revisions of the crisis management plan and procedures developed under paragraph (1).

(3) Ensuring compliance with crisis management procedures by personnel of the Department and ensuring that appropriate Department personnel are familiar with the crisis management plan and procedures and are encouraged to bring information regarding crises or potential crises to the attention of members of the Crisis Management Team.

(4) Coordinating the Department's information gathering and dissemination activities concerning issues managed by the Crisis Management Team.

(5) Ensuring that Department spokespersons convey accurate, timely, and scientifically sound information regarding crises or potential crises that can be easily understood by the general public.

(6) Cooperating with, and coordinating among, other Federal agencies, States, local governments, industry, and public interest groups, Department activities regarding a crisis.

(c) ROLE IN PRIORITIZING CERTAIN RESEARCH.—The Crisis Management Team shall cooperate with the Advisory Board in the prioritization of agricultural research conducted or funded by the Department regarding animal health, natural disasters, food safety, and other agricultural issues.

(d) COOPERATIVE AGREEMENTS.—The Secretary shall seek to enter into cooperative agreements with other Federal departments and agencies that have related programs or activities to help ensure consistent, accurate, and coordinated dissemination of information throughout the executive branch in the event of a crisis, such as, in the case of a threat to human health from food-borne pathogens, developing a rapid and coordinated response among the Department, the Centers for Disease Control, and the Food and Drug Administration.

SEC. 619. DESIGNATION OF KIKA DE LA GARZA SUBTROPICAL AGRICULTURAL RESEARCH CENTER, WESLACO, TEXAS.

(a) DESIGNATION.—The Federal facilities located at 2413 East Highway 83, and 2301 South International Boulevard, in Weslaco, Texas, and known as the ''Subtropical Agricultural Research Center'', shall be known and designated as the ''Kika de la Garza Subtropical Agricultural Research Center''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal facilities referred to in subsection (a) shall be deemed to be a reference to the ''Kika de la Garza Subtropical Agricultural Research Center''.

Subtitle C—Studies

SEC. 631. EVALUATION AND ASSESSMENT OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION PROGRAMS.

(a) EVALUATION.—The Secretary of Agriculture shall conduct a performance evaluation to determine whether federally funded agricultural research, extension, and education programs result in public goods that have national or multistate significance.

(b) CONTRACT.—The Secretary shall enter into a contract with 1 or more entities with expertise in research assessment and performance evaluation to provide input and recommendations to the Secretary with respect to federally funded agricultural research, extension, and education programs.

(c) GUIDELINES FOR PERFORMANCE MEASUREMENT.—The contractor selected under subsection (b) shall develop and propose to the Secretary practical guidelines for measuring performance of federally funded agricultural research, extension, and education programs. The guidelines shall be consistent with the Government Performance and Results Act of 1993 (Public Law 103–62) and amendments made by that Act.

SEC. 632. STUDY OF FEDERALLY FUNDED AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

(a) STUDY.—Not later than January 1, 1999, the Secretary of Agriculture shall request the National Academy of Sciences to conduct a study of the role and mission of federally funded agricultural research, extension, and education.

(b) REQUIREMENTS.—The study shall—

(1) evaluate the strength of science conducted by the Agricultural Research Service and the relevance of the science to national priorities;

(2) examine how the work of the Agricultural Research Service relates to the capacity of the agricultural research, extension, and education system of the United States;

(3) examine the appropriateness of the formulas for the allocation of funds under the Smith-Lever Act (7 U.S.C. 341 et seq.) and the Hatch Act of 1887 (7 U.S.C. 361a et seq.) with respect to current conditions of the agricultural economy and other factors of the various regions and States of the United States and develop recommendations to revise the formulas to more accurately reflect the current conditions; and

(4) examine the system of competitive grants for agricultural research, extension, and education.

(c) REPORTS.—The Secretary shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate—

(1) not later than 18 months after the commencement of the study, a report that describes the results of the study as it relates to paragraphs (1) and (2) of subsection (b), including any appropriate recommendations; and

(2) not later than 3 years after the commencement of the study, a report that describes the results of the study as it relates to paragraphs (3)

and (4) of subsection (b), including the recommendations developed under paragraph (3) of subsection (b) and other appropriate recommendations.

Subtitle D—Senses of Congress

SEC. 641. SENSE OF CONGRESS REGARDING AGRICULTURAL RESEARCH SERVICE EMPHASIS ON FIELD RESEARCH REGARDING METHYL BROMIDE ALTERNATIVES.

It is the sense of Congress that, of the Agricultural Research Service funds made available for a fiscal year for research regarding the development for agricultural use of alternatives to methyl bromide, the Secretary of Agriculture should use a substantial portion of the funds for research to be conducted in real field conditions, especially pre-planting and post-harvest conditions, so as to expedite the development and commercial use of methyl bromide alternatives.

SEC. 642. SENSE OF CONGRESS REGARDING IMPORTANCE OF SCHOOL-BASED AGRICULTURAL EDUCATION.

It is the sense of Congress that the Secretary of Agriculture and the Secretary of Education should collaborate and cooperate in providing both instructional and technical support for school-based agricultural education.

And the House agree to the same.

ROBERT SMITH,
LARRY COMBEST,
BILL BARRETT,
CHARLES W. STENHOLM,
CALVIN DOOLEY,
Managers on the Part of the House.

RICHARD G. LUGAR,
THAD COCHRAN,
PAUL D. COVERDELL,
TOM HARKIN,
PATRICK LEAHY,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and the Senate at the Conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1150) to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance and to reform, extend, and eliminate certain agricultural research programs and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:[1]

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

(1) SHORT TITLE; TABLE OF CONTENTS

The Senate bill titles the Act the ''Agricultural Research, Extension, and Education Reform Act of 1997''. (Section 1)

The House amendment states that this Act may be cited at the ''Agricultural Research, Extension, and Education Reauthorization Act of 1997''. (Section 1)

The conference substitute adopts the Senate provision. (Section 1)

(2) DEFINITIONS

The Senate bill contains definitions for terms used throughout the bill, including ''1862'', ''1890'' and ''1994'' Institutions, ''Advisory Board,'' ''Department,'' ''Hatch Act of 1887,'' ''Secretary,'' ''Smith-Lever Act,'' and ''Stakeholder.'' (Section 2)

The House amendment amends the definition of ''Food and Agricultural Sciences'' as it currently appears in the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to simplify the references to animal and plant production and health; specify food safety as a research objective; substitute the term ''rural human ecology'' for rural community welfare and development; and add information management, technology transfer, and agricultural biotechnology as subject areas under the food and agricultural sciences. The House amendment in subsection (b) clarifies that references to ''Teaching'' shall mean ''Teaching and Education.''

The House amendment defines ''in-kind support'' and designates the definitions included in the National Agricultural Research, Extension, and Teaching Policy Act of 1977 as the principle definitions when used in this title or any law pertaining to the Department of Agriculture relating to research, extension, or education regarding the food and agricultural sciences unless the context requires otherwise. (Section 102)

The conference substitute adopts the Senate provision with an amendment striking the definition for stakeholder (Section 2) and adopts the House provision with an amendment to retain current law on processing of agricultural commodities (Sections 221 and 230).

The Managers consider many critical emerging issues related to international agricultural trade as being of primary importance to United States agricultural competitiveness and farm income. The Managers encourage the Secretary to provide priority funding for research to address these issues and facilitate export market expansion for United States agricultural products, including the identification, removal or reduction of barriers to agricultural trade. The Managers intend that the Secretary should take into account input and recommendations from the agricultural community and others concerned with agricultural trade in order to ensure that research activities in food and agricultural sciences respond to the current and anticipated needs of United States agricultural producers and exporters.

(3) STANDARDS FOR FEDERAL FUNDING OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

The Senate bill requires the Secretary to ensure that agricultural research, extension or education activities conducted by ARS or on a competitive basis by CSREES address concerns that are high priority and have national or multi state significance. (Section 101)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with an amendment to clarify that research have national, multi state or regional significance. (Section 101)

This section establishes a standard for research conducted by the ARS and funding awarded competitively by CSREES. The Managers expect that the Department would require applicants for grant funding to demonstrate that the project is of multi state or national relevance and to demonstrate the gap in knowledge they are trying to fill. The Managers intend that the term ''regional'' as used in this section may include a region covering a multi-state area or an area within one state.

(4) PRIORITY SETTING PROCESS

The Senate bill requires the Secretary to establish priorities for agricultural research, extension and education activities conducted by or for the Department. In establishing these priorities, the Secretary must solicit and consider input and recommendations from stakeholders. The Secretary must notify the Advisory Board in writing regarding the implementation of its recommendations and must send copies of the letter to the Senate and House Agriculture Committees regarding the recommendations of the Advisory Board if the recommendations are regarding the priority mission areas under the Initiative for Future Agriculture and Food Systems. This section also requires the 1862, 1890, and 1994 institutions to establish and implement a process for obtaining stakeholder input concerning the uses of Federal formula funds and the Secretary is directed to establish regulations on the requirements for complying with the stakeholder input requirement and the consequences of not complying.

The section also adds a list of management principles for research, extension and education funded by the Department. (Section 102)

The House amendment requires the Secretary, in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board (Advisory Board) and persons who conduct or use agricultural research, to establish priorities for Federally funded agricultural research, extension, and education activities that are conducted by or funded by the Department.

The House amendment also adds a list of management principles for research, education, and extension activities funded by the Department. (Section 101)

The House amendment amends section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 by requiring that the Advisory Board, whenever there is a required consultation, solicit opinions and recommendations from persons who will benefit from and use Federally funded agricultural research, extension, education, and economics. Whenever the Secretary proposes to perform any duty or activity that requires the Secretary to consult or cooperate with the Advisory Board or authorizes the Advisory Board to submit recommendations with regard to that duty or activity, the Secretary shall solicit written opinions and recommendations from the Advisory Board and provide a written response to the Advisory Board regarding the manner and extent to which the Secretary will implement the recommendations. (Section 103)

The conference substitute adopts the Senate provision with an amendment to delete one of the management principles and an amendment exempting the Advisory Board from Departmental limitations on expenses for advisory committees and setting an annual cap of $350,000 for Advisory Board expenses. (Section 102 and Section 222)

The Managers intend that the term ''regional'' as used in this section may include a region covering a multi-state area or an area within one state.

The Managers recognize the increasingly important role that international trade plays in ensuring the viability of United States agriculture. The Managers are aware that many historical tariff barriers have been replaced with various non-tariff trade barriers to agricultural trade, such as the sanitary and phytosanitary restrictions. The Managers feel strongly that the Secretary and the research community should take into account the tremendous importance of

[1] The House Report (H.Rept.105-376) and the Senate Report (S.Rept.105-73) are incorporated by reference.

agricultural trade when establishing priorities for federally funded agricultural research, extension, and education. The Secretary should designate an appropriate person in the Department to receive input from the agricultural community, the Advisory Board, Federal agencies concerned with agricultural trade, and other interested parties to help ensure that research activities in food and agricultural sciences are prioritized in a way that responds to the current and future needs of agricultural producers and exporters, including the development of methods to identify, remove, or reduce potential and existing barriers to agricultural trade. By recognizing the significance of agricultural trade in the priority setting process, the Secretary will be better able to focus agricultural research to help enhance the competitiveness of the United States agriculture and food industry.

(5) RELEVANCE AND MERIT OF FEDERALLY FUNDED AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

The Senate bill requires the Secretary to establish procedures that ensure scientific peer review of each agricultural research grant funded, on a competitive basis, by CSREES. This section also requires the Secretary to establish procedures that ensure merit review of each agricultural extension or education grant funded, on a competitive basis, by CSREES.

The Senate bill requires the Advisory Board to perform an annual review of the relevancy of the Department's agricultural research, extension and education funding portfolio in relation to the Secretary's priorities established under section 102. The results of this review are to be considered when formulating requests for proposals for the next fiscal year, if the results are available then. The Secretary is also required to solicit and consider input from stakeholders on the prior year's request for proposals when formulating a request for proposals for a new year.

The Senate bill requires the Secretary to establish procedures to ensure scientific peer review of ARS research activities and the research of each scientist employed by ARS at least once every 5 years by a review panel to verify that the activities have scientific merit and relevance to the Secretary's priorities as well as national or multistate significance. The review panel under this section is to be comprised of individuals with scientific expertise, a majority of whom are not employees of ARS. The results of these reviews are to be transmitted to Congress and the Advisory Board.

The Senate bill requires the 1862 and 1890 Institutions to establish and implement a process for merit review in order to obtain agricultural research or extension funds and 1994 Institutions are required to establish and implement a merit review process in order to receive extension funds from the Secretary.

The Senate bill also repeals outdated authority of the Secretary to withhold formula funds. (Section 103)

The House amendment amends subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 by inserting a new section before section 1463. This new section requires the Secretary to establish procedures to ensure scientific peer-review of each agricultural research grant funded on a competitive basis by CSREES. The Secretary, in consultation with the Advisory Board, must establish procedures that ensure merit review of each agricultural extension or education grant competitively funded by CSREES. When formulating a request for proposals involving an agricultural research, extension, or education activity funded on a competitive basis, the Secretary shall solicit and consider input from the Advisory Board and users of agricultural research, extension, and education regarding the request for proposals from the previous year. If the activity has not been the subject of a previous request for proposals, the Secretary shall solicit and consider input from the Advisory Board and users of such research, extension, and education.

The House amendment requires the Secretary to establish procedures for a scientific peer-review of all research activities conducted by the Department. A review panel comprised of individuals with scientific expertise, the majority of which cannot be USDA employees, shall verify that each research project has scientific merit, and the panel shall review each research activity at least once every three years.

In the House amendment, beginning October 1, 1998, each 1862 and 1890 Institution shall develop a process for merit review of the activity and review the activity in accordance with that process as a condition for receiving Federal formula funds for research or extension. In the House amendment, beginning October 1, 1998 each 1994 institution shall develop a process for merit review of the activity in accordance with that process as a condition for receiving Federal formula funds for extension.

The House amendment repeals outdated provisions of the Smith-Lever Act, Hatch Act of 1887, and the National Agricultural Research, Extension, and Teaching Policy Act of 1977 that require the Secretary to report to the President when the Secretary withholds funds from a land-grant college or university. (Section 104)

The conference substitute adopts the House provision with amendments to delete the requirement that input be required before issuing a RFP, to require that review of USDA research be every five years, to require the Advisory Board to perform an annual relevancy review, and to strike the FACA exemption. (Section 103)

(6) RESEARCH FORMULA FUNDS FOR 1862 INSTITUTIONS

The Senate bill amends the Hatch Act to require that not less than 25 percent of a State's Hatch Act funds will be used for projects in which a state agricultural experiment station, working with another agricultural experiment station, ARS, or a college or university, cooperates to solve multistate problems utilizing multidisciplinary approaches. This research will be subject to scientific peer review. A project reviewed under this section will also be deemed to have satisfied the merit review requirements of section 103. (Section 104).

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with an amendment to reference the plans of work. (Section 104)

The Managers recognize that issues of national significance would meet the requirement of multi-state interest as required by this section, and that the research of national significance may be conducted between partners in a single state.

(7) EXTENSION FORMULA FUNDS FOR 1862 INSTITUTIONS

The Senate bill amends the Smith-Lever Act by requiring that a certain percentage of Smith-Lever (b) and (c) funds going to a State be used for cooperative extension activities in which 2 or more states cooperate to solve problems that concern more than one State. In order to determine the applicable percentage, the Secretary shall determine the percentage of Federal formula funds that a State spent for fiscal year 1997 for multistate activities. Then starting in fiscal year 2000, the applicable percentage will be 25 percent or twice the percentage determined to be spent on multistate activities in 1997, whichever is less. The Secretary is given the authority to reduce the minimum percentage required in a case of hardship, infeasibility or other similar circumstance beyond the control of the State.

In the Senate bill, States are to include in their plans of work the manner in which they will meet the applicable percentage requirement. State and local matching funds are not subject to the percentage requirement. The section also imposes a merit review requirement for these funds. The merit review in this section will satisfy the merit review requirement of section 103 as well. (Section 105)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with an amendment to reference plans of work. (Section 105)

(8) RESEARCH FACILITIES

The Senate bill amends the Research Facilities Act by replacing the word ''regional'' everywhere it appears with ''multi state.'' This section requires the Secretary to ensure that ARS research facilities serve national or multi state needs. The section requires the Secretary to periodically review each operating agricultural research facilities constructed in whole or in part with Federal funds and each planned agricultural research facility. The Competitive, Special and Facilities Research Grant Act is also amended by replacing the word ''regional'' everywhere it appears with ''national or multi state.'' (Section 106)

The House amendment repeals the Research Facilities Act but transfers the existing authority for the task force on agriculture research facilities to the National Agriculture Research, Extension, and Teaching Policy Act of 1977. (Section 214)

The conference substitute adopts the Senate provision. (Section 106)

(9) ADVISORY BOARD

The Senate bill requires the Secretary to ensure, to the maximum extent practicable, equal representation of public and private sector members on the Advisory Board. (Section 201)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 222)

(10) GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION

The Senate bill requires the Secretary to give priority in this grant program to teaching enhancement projects that demonstrate enhanced cooperation among all types of institutions and priority to teaching enhancement projects that focus on innovative, multi disciplinary education programs, materials and curricula. This section also authorizes the Secretary to maintain a national food and agricultural education information system containing information on enrollment, degrees awarded, faculty and employment placement in the food and agricultural sciences. (Section 202).

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 223)

(11) POLICY RESEARCH CENTERS

The Senate bill amends current grant making authority to include grants for studies that concern the effect of trade agreements on farm and agricultural sector; the environment; rural families, households and economies; and consumer, food, and nutrition. (Section 203)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 224)

The Managers recognize the growing importance of international markets on the farm and agricultural sectors; the environment; rural families, households and economies and consumers, food and nutrition. While the overall impact of increased trade opportunities will benefit all of these areas, the conferees recognize that different areas of the country face unique situations. For instance, the Northern Plains states encompass a unique set of factors including climate, crop mix, and marketing of agricultural commodities and products. This section would allow a policy research center to evaluate the impact of multinational trade on this or any other area of the country.

(12) INTERNATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING

The Senate bill adds the word ''teaching'' to the purposes of several grant programs and authorizes competitive grants for collaborative projects between U.S. scientists, land grant scientists, or scientists from other colleges and universities and scientists from international agricultural research centers in other nations, including the international agricultural research centers of the Consultative Group on International Agriculture Research. This section also requires the Secretary to submit a biennial report to the House and Senate Agriculture Committees about efforts to coordinate international agricultural research and better link domestic and international agricultural research. (Section 204)

The House amendment adds the word ''teaching'' throughout Section 1458 of the National Agriculture Research, Extension, and Teaching Policy Act of 1977 concerning international agricultural research and extension programs. In the case of the cooperative agreement entered into between the Secretary and Israel, the full amount of appropriated funds shall be transferred directly to the Binational Agricultural Research and Development Fund. This section prohibits the Secretary from retaining any portion of the funds for overhead or any other administrative expense. (Section 213)

The House amendment amends the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291) by inserting a new section which authorizes the Secretary to establish an agricultural research and development program with the United States/Mexico Foundation for Science. The Foundation shall award competitive grants, with a matching funds requirement by the Mexican government, to focus on binational problems such as food safety, plant and animal pest control, and the natural resource base on which agriculture depends. (Section 423)

The House amendment amends the National Agricultural Research, Extension, and Teaching Policy Act of 1977 by adding a section authorizing the Secretary to award competitive grants to colleges and universities to strengthen U.S. economic competitiveness and promote international market development. Grants will be awarded to research, extension, and teaching activities that enhance the international content of curricula in colleges and universities, disseminates the findings of agricultural research outside the United States to students and users of agricultural research within the United States, enhances collaborative research with other countries, and enhances the capability of U.S. colleges and institutions in assisting food production, processing, and distribution. (Section 424)

The conference substitute adopts the House provision with an amendment to authorize competitive grants as described in the Senate bill and to require the Secretary to submit a biennial report to the House and Senate Agriculture Committees. (Sections 227, 228, and 229)

(13) GENERAL ADMINISTRATIVE COSTS

The Senate bill amends subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 by inserting section 1461 which sets an indirect cost cap of 25 percent of total Federal funds provided under a grant for competitive research, extension, or education awarded under the National Research Initiative, the Fund for Rural America, or the Initiative for Future Agriculture and Food Systems.

The Senate bill amends section 1469 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to allow the Secretary of Agriculture to retain up to 4 percent of amounts appropriated for an agricultural research, extension, or teaching assistance program for the administration of such program, except where the act authorizing such program specifically authorizes the Secretary to withhold a percentage of funds for the administration of that specific program. This subsection would also amend section 1469 to provide for the retention for administrative costs of 4 percent of funds made available under section 25 of the Food Stamp Act of 1977 for community food projects. (Section 205)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with an amendment to cap indirect costs at 19% of total federal funds for all competitively awarded agricultural research, education, or extension grants and an amendment to authorize use of program funds for peer review panels. (Section 230)

(14) EXPANSION OF AUTHORITY TO ENTER INTO COST-REIMBURSABLE AGREEMENTS

The Senate bill amends section 1473A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to expand current authority of the Secretary of Agriculture to enter into cost-reimbursable agreements with State cooperative institutions (i.e., land-grant colleges and universities) for the acquisition of goods or services, including personal services, to carry out agricultural research, extension, or teaching activities of mutual interest, by additionally allowing the Secretary to enter into such agreements with any college or university. (Section 206)

The House amendment amends section 1473A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to expand current authority of the Secretary to enter into cost-reimbursable agreements with State cooperative institutions (i.e. land-grant colleges and universities) for the acquisition of goods and services, including personnel services, to carry out agricultural research, extension, or teaching activities of mutual interest by additionally allowing the Secretary to enter into such agreements with any college or university. (Section 105)

The conference substitute adopts the House provision. (Section 231)

(15) NATIONAL AGRICULTURAL WEATHER INFORMATION SYSTEM

The Senate bill amends subtitle D of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 and provides that section 1637 of the Act establish the short title for the subtitle as the ''National Agricultural Weather Information System Act of 1997'' and establishes the purposes of this subtitle to coordinate national agricultural weather and climate station network, ensure timely and accurate agriculture related weather information is disseminated and aid research and education projects which require agricultural weather and climate data.

The Senate bill provides that section 1638 of the Food, Agriculture, Conservation, and Trade Act of 1990 would authorize the Secretary of Agriculture to establish the National Agricultural Weather Information System (NAWIS). The Senate bill authorizes the Secretary of Agriculture to enter into cooperative projects with, and award grants to other Federal, regional, and State agencies to support development and dissemination of agricultural weather and climate information; to collect weather data through regional and State agricultural weather information systems; coordinate the weather activities of the Department of Agriculture with other Federal agencies and the private sector; make grants regarding State and regional agricultural weather information systems; and to encourage private sector participation in NAWIS activities. The Senate bill authorizes a competitive grants program to support projects to improve the manner in which agricultural weather and climate information is collected, retained, and distributed.

The Senate bill amends section 1639 of the Food, Agriculture, Conservation, and Trade Act of 1990 to require that no more than two-thirds of the funds appropriated for the subtitle shall be used for work with the National Oceanic and Atmospheric Administration. This revised section would also prohibit the Secretary of Agriculture from awarding any grant funds for the construction of facilities and would limit the purchase of equipment with grants funds to no more than the lesser of one-third of the award or $15,000.

The Senate bill amends section 1640 of the Food, Agriculture, Conservation, and Trade Act of 1990 to authorize to be appropriated $15 million for each of the 1998 through 2002 fiscal years to carry out the purposes of the revised subtitle. (Section 211)

The House has no comparable provision.

The conference substitute adopts the House provision.

(16) NATIONAL FOOD GENOME STRATEGY

The Senate bill amends section 1671 of the Food, Agriculture, Conservation and Trade Act of 1990 to authorize the Secretary to establish a National Food Genome Strategy for agriculturally important plants, animals, and microbes. Subsection (a) establishes the purposes of the section. This section also provides that USDA is to be the lead federal agency for the Plant Genome Initiative unless funding provided through USDA for the Plant Genome Initiative is substantially less than funding provided through another Federal agency, in which case the other Federal agency would be the lead agency as determined by the President. Subsection (b) requires the Secretary of Agriculture develop and carry out a National Food Genome Strategy on the development and dissemination of information regarding the genetics of agriculturally important plants, animals, and microbes. Subsection (c) authorizes the Secretary of Agriculture to enter into contracts, grants, or cooperative agreements with individuals and organizations in accordance with section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to carryout the purposes of this section. This subsection also requires that grants made under this subsection be awarded on a competitive basis. Subsection (d) requires the Secretary of Agriculture to issue necessary regulations. The Senate bill authorizes the Secretary to consult with the National Academy of Sciences regarding the National Food Genome Strategy. The Senate bill authorizes the Secretary to include in contracts, grants, and cooperative agreements an allowance for indirect costs in the

same manner such costs are allowed under contracts, grants and cooperative agreements by the National Science Foundation. (Section 212)

The House amendment amends the heading of Section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 to ''Agricultural Genome Initiative.'' The Secretary shall conduct research for the purposes of supporting basic and applied research and technology, studying and mapping agriculturally significant genes, ensuring that current gaps in existing agricultural genetics knowledge are filled, and preserving diverse germplasm and biodiversity.

Grants made under the House amendment would be awarded on a competitive basis, and no funds awarded under this section may be used to fund construction. In the House amendment, a one-to-one match or in-kind support is required for any grant which is to benefit a specific commodity but the Secretary may waive the matching requirement with respect to an individual project if (1) the Secretary determines the results of the project, while of particular benefit to a specific commodity, are likely to be applicable to agricultural commodities generally or (2) the project involves a minor commodity, deals with scientifically important research, and the grant recipient would be unable to satisfy the matching requirement.

The House amendment authorizes the necessary funds to be appropriated for each of the 1998 through 2002 fiscal years to carry out the purposes of the revised section. (Section 232)

The conference substitute adopts the House provision with amendments to modify the goals, to prescribe duties of the Secretary, to provide authority for cooperative agreements which would be subject to matching requirements, to require grants or cooperative agreements to be made on a competitive basis, to allow consultation with the National Academy of Sciences and to strike the authorization of appropriations. (Section 241)

In establishing the Agricultural Genome Initiative, it is the intent of the Managers that USDA would continue to be the lead federal agency for agricultural genomic research.

(17) IMPORTED FIRE ANT CONTROL, MANAGEMENT, AND ERADICATION

The Senate bill creates a three tiered grant program and authorizes the Secretary to establish a National Advisory Board on fire ant control, management, and eradication. Eligible grant recipients include colleges, universities, research institutes, Federal labs, or private entities selected by the Secretary on a competitive basis. (Section 213)

The House amendment authorizes the Secretary to make competitive grants for 32 high priority research and extension issues including fire ants. (Section 421 (e)(10))

The conference substitute adopts the Senate provision with an amendment to strike the board and instead allow formation of a task force and inserts the provision in the section for high priority research and extension issues. (Section 242)

The Managers intend that in carrying out these grants the Secretary may establish a task force consisting of individuals from academia, research institutes, and the private sector and who are experts in entomology, ant ecology, wildlife biology, electrical engineering, economics, and agribusiness. The Managers intend that the Secretary shall solicit and consider input from this task force in developing a request for proposals for grants.

(18) AGRICULTURAL TELECOMMUNICATIONS PROGRAM

The Senate bill authorizes the Secretary to award a grant to A*DEC to enable it to administer the Agricultural Telecommunications Program. (Section 214).

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 245)

This section authorizes the Secretary to award a grant to A*DEC to enable it to administer a competitive grant program as authorized under the agricultural telecommunications program. It is the intent of the Managers that a cohesive, affordable and sustainable agricultural telecommunications network be developed that makes optimal use of available resources for agriculture and rural America. The network must disseminate and share academic instruction, extension programming, agricultural research and domestic and international marketing information.

A*DEC is a consortium whose members include the U.S. Department of Agriculture, numerous state universities and land grant institutions, and a growing number of international associate members. The Managers intend that the Secretary of Agriculture, acting through A*DEC, administer a competitive grant program that uses the power and efficiency of the Internet, audio and video conferencing, and printed materials. The Managers expect A*DEC to design an open process for disseminating grant information and requirements, to utilize a peer review process for grant applications, and to use an on-line submission, report and evaluation process. These steps will assure that all aspects of the grant program are open, transparent, and will allow for partnership development and rapid feedback from the review process.

The Managers expect that the transfer of the management of the program to A*DEC will not affect the awarding of these grants on a competitive basis to all eligible institutions and entities, regardless of membership in the A*DEC consortium.

(19) ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES

The Senate bill changes the AgrAbility authorization to reflect the current distribution of funds. It eliminates the separate spending authority for the national grant program in favor of a combined authorization of $6 million, with instructions that 15 percent of total program appropriations be designated for nationally coordinated AgrAbility activities. (Section 215)

The House amendment reauthorizes existing program until fiscal year 2002. (Section 323)

The conference substitute adopts the Senate provision. (Section 246)

(20) 1994 INSTITUTIONS

The Senate bill amends the Equity In Education Land-Grant Status Act of 1994 by adding Little Priest Tribal College of Nebraska to the list of 1994 Institutions and adds a requirement that 1994 Institutions either be accredited or working towards accreditation in order to receive funding under the Act. (Section 221)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 251)

(21) COOPERATIVE AGRICULTURAL EXTENSION WORK BY 1862, 1890, AND 1994 INSTITUTIONS

The Senate bill amends the Smith-Lever Act to provide funding and authority for 1994 Institutions for extension activities which may be carried out through cooperative agreements with land grant colleges in any State. (Section 222)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 201)

(22) ELIGIBILITY OF CERTAIN COLLEGES AND UNIVERSITIES FOR EXTENSION FUNDING

The Senate bill amends section 3(d) of the Smith-Lever Act by expanding the list of institutions eligible to receive competitive funding under the Act to include all colleges and universities. It further amends section 3(d) of the Act by making 1890 and 1994 Institutions eligible for non-competitive extension funding, as well as the 1862 Institutions. The Secretary is authorized to enter into memoranda of understanding, cooperative agreements and reimbursable agreements with other Federal agencies to assist in carrying out extension programs. The section also contains a conforming amendment. (Section 223)

The House amendment has no comparable provision.

The conference substitute adopts the House provision.

(23) INTEGRATION OF RESEARCH AND EXTENSION

The Senate bill amends the Smith-Lever and Hatch Acts by requiring that a certain percentage of Smith-Lever (b) and (c) and Hatch Act funds going to a State be used for integrated cooperative extension and research activities. In order to determine the applicable percentage, the Secretary shall determine the percentage of Federal formula funds that a State spent for fiscal year 1997 for integrated research and cooperative extension activities. Then starting in fiscal year 2000, the applicable percentage will be 25 percent or twice the percentage determined to be spent on integrated activities in 1997, whichever is less. The Secretary is given the authority to reduce the minimum percentage required in a case of hardship, infeasibility or other similar circumstance beyond the control of the State.

Under the Senate bill the States would inform the Secretary of the manner in which they will meet the applicable percentage requirement. The section also provides that funds used towards meeting the integration requirement may also be used to satisfy the percentage requirements contained in sections 104 and 105 of the Bill. The section contains language exempting any State and local matching funds from the integration requirement. (Section 224)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with an amendment to reference plans of work. (Section 204)

(24) COMPETITIVE, SPECIAL AND FACILITIES RESEARCH GRANTS

The Senate bill amends the Competitive, Special, and Facilities Research Grants Act by adding national laboratories to the list of eligible grantees under the NRI.

The section amends the time period for special grants from 5 years to 3 years and requires that the grants be for the purpose of conducting research to address agricultural research needs of immediate importance, by themselves or in conjunction with extension or education; or new or emerging areas of agricultural research, by themselves or in conjunction with extension or education. This section retains the prohibition on providing special grants for facilities. Scientific peer review is required for research projects funded under this section and merit review is required for extension or education projects funded by a special grant. Eligible grantees include colleges, universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals.

The Senate bill imposes a partnership requirement for projects that address immediate needs. For projects that address new or emerging research issues, a partnership is required after three years in order to receive

funding for additional years and the partnership must be comprised of at least 2 other entities, in addition to the grantee. Each grantee must also provide to the Secretary a proposed plan for graduation from Federal funding under this section. Graduation plans and partnership requirements do not apply to non-competitive special grants. Grant recipients are required to file annual reports describing the results of their research, extension or education activities and the merit of those results. To the extent allowable by law, these reports are to be made available to the public. The section also contains a 4 percent set aside for administrative costs. The effective date for the section is October 1, 1998.

The Senate bill allows grant awards under the NRI to a new investigator who is still within 5 years of the individual's initial career track position rather than investigators who have less than 5 years of post-graduate research experience. (Section 225)

The House amendment amends the matching requirement provision for equipment purchase of the National Research Initiative, Competitive Grants Program to provide that the Secretary may waive all or a portion of the matching requirement in the case of small colleges or universities if (1) the cost of the equipment does not exceed $25,000 and (2) has multiple uses within a single research project or is usable in more than one research project. (Section 241)

The conference substitute adopts the House provision with amendments to add national laboratories to NRI eligibility, to allow NRI grants for new investigators within 5 years of the individual's initial career track position, to require scientific peer or merit review of special grants, to authorize special grants for three years rather than five years, and to require annual reports for special grants. (Sections 211 and 212)

(25) FUND FOR RURAL AMERICA

The Senate bill provides funding for the Fund through October 1, 2001, including FY 1998 which had not been funded. The percentage of the Fund to be allocated among Rural Development programs is increased to 50 percent and the Research portion is established at 33 percent with the remaining 17 percent to be allocated among either the Research or Rural Development Accounts at the discretion of the Secretary. (Section 226)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with amendments to provide an additional $100 million for the Fund so that $60 million will be provided each year for FY99-03 and to retain current law on the distribution of funding under the Fund for Rural America. (Section 252)

The Managers strongly encourage that each year the Secretary award half of the funds within his discretion to research.

(26) HONEY RESEARCH

The Senate bill contains an amendment to the Honey Research, Promotion, and Consumer Information Improvement Act of 1997 and requires the Honey Board to reserve at least 8 percent of all assessments collected for expenditure on approved research projects to advance the competitiveness of the honey industry. (Section 227)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with amendments to provide for a 3/4 of a cent per pound assessment on honey producers, handlers and importers to provide funding for research; to change representation on the National Honey Board and allow for periodic review of the Board composition; and to establish, with approval of the Secretary, a program to improve the quality and purity of honey and honey products. (Section 605)

(27) OFFICE OF ENERGY POLICY AND NEW USES

The Senate bill amends the Department of Agriculture Reorganization Act of 1994 by establishing, within the Office of the Secretary, an Office of Energy Policy and New Uses. (Section 228)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 602)

(28) KIWIFRUIT RESEARCH, PROMOTION, AND CONSUMER INFORMATION PROGRAM

The Senate bill would amend the National Kiwifruit Research, Promotion, and Consumer Information Act to require that producer, exporter, and importer representation on the National Kiwifruit Board be proportional to the level of domestic production and imports of kiwifruit. (Section 229)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 603)

(29) NATIONAL AQUACULTURE POLICY, PLANNING, AND DEVELOPMENT

The Senate bill amends the National Aquaculture Act by changing the definition of aquaculture and defining private aquaculture; by designating USDA as the lead agency for aquaculture and establishing a national policy for private aquaculture; by requiring the Secretary to develop and implement a plan for coordinating and implementing aquaculture activities and programs within the Department and supporting the development of private aquaculture. The Secretary is also authorized to maintain and support a National Aquaculture Information Center at the National Agricultural Library. The Secretary is directed to treat private aquaculture as agriculture and is directed to coordinate interdepartmental functions and activities relating to private aquaculture. The authorization of appropriations is extended through 2002. (Section 230)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with an amendment striking the Senate language and substituting reauthorization of the National Aquaculture Act through 2002. (Section 301)

(30) BIOBASED PRODUCTS

The Senate bill directs the Secretary to coordinate research, economic information, market information and other activities to develop and promote biobased products. The Secretary shall consult with private sector biobased product producers and provide a centralized contact point to provide advice and technical assistance to individuals interested in developing biobased products. The Secretary will make an annual report to Congress on biobased activities. The Secretary is given the authority to use scientific expertise and facilities to conduct research leading to the further development and market testing of biobased products. This authority is open to CRADA partners, and individuals who have received funding through AARC, BRDC and SBIR. The Secretary is given the authority to award ARS funds competitively to encourage scientific excellence and creativity. The first three years of this authority direct the Secretary to focus such grants toward the development of biobased products with promising commercial potential. The section provides an authorization of appropriations of $10 million per year. (Section 231)

The House amendment authorizes the Secretary to enter into cooperative agreements with eligible partners, as specified, so that the facilities and technical expertise of ARS may be made available to operate pilot plants in order to bring technologies of biobased products to the point of practical application. This section defines ''biobased products'' as a product suitable for food and nonfood use that is derived in whole or in part from renewable agricultural and forestry materials. The Secretary may use appropriated funds to carry out this section and cooperative research and development agreement funds. The Secretary shall authorize the private partner to sell biobased products for the purpose of determining market potential. (Section 426)

The conference substitute adopts the House provision with amendments to add the coordination provisions from the Senate bill and to modify the pilot project authority in the Senate bill. (Section 404)

The Managers expect that the coordination of biobased product activities required under this section will be coordinated by the Office of Energy Policy and New Uses created in Section 602.

(31) PRECISION AGRICULTURE

The Senate bill authorizes a new competitive grant program for research, education and information dissemination projects for the development and promotion of precision agriculture. (Section 232)

The House amendment defines ''precision agriculture'' as an integrated information and production-based farming system that is designed to increase long-term, site specific and whole farm production efficiencies, productivity, and profitability while minimizing unintended impacts on wildlife and the environment in specified ways. This section also defines ''precision agricultural technologies,'' ''Advisory Board,'' ''agricultural inputs,'' ''eligible entity,'' and ''systems research.'' (Section 411)

The House amendment authorizes the Secretary, in consultation with the Advisory Board, to make 5 year competitive grants for research, education, or information dissemination projects for precision agriculture. The Secretary may only give grants to projects that are unlikely to be financed by the private sector in the absence of a grant, and the partnership must match the amount of Federal funds. Priority shall be given to research, education, or information dissemination projects that evaluate precision agricultural technologies to increase long-term efficiencies, make the findings readily available to farmers, demonstrates the efficient use of agricultural inputs, maximizes cooperation between all interested parties, and maximizes leveraging of funds and resources. (Section 412)

The House amendment provides that, of the funds appropriated for precision agriculture research grants, the Secretary shall reserve a portion for grants for projects regarding precision agriculture related to education and information dissemination. (Section 413)

The House amendment provides that the Secretary, in consultation with the Advisory Board, shall encourage the establishment of multi-State and national partnerships between land-grant institutions, State Agricultural Experiment Stations, State cooperative extension services, other colleges and universities, USDA agencies, national laboratories, agribusinesses, certified crop advisers, commodity organizations, other Federal or State government entities, non-agricultural industries and nonprofit organizations, and agricultural producers and agricultural producers or other land managers. (Section 414)

The House amendment prohibits the use of grant money to be used for facility construction. (Section 415)

The House amendment authorizes $40,000,000 to be appropriated for each of the

fiscal years 1998 through 2002 for this subtitle. The House amendment also limits the amount retained by the Secretary for administrative costs to 3% of the amount appropriated. (Section 415)

The conference substitute adopts the House provision with amendments to modify the purposes of the grants; to strike the FACA exemption; and to authorize to be appropriated such sums as necessary each fiscal year of which not less than 30% must be multidisciplinary, not less than 40% must be systems research directly applicable to producers and agricultural production systems, and not more than 4% may be used for administrative costs. (Section 403)

(32) FORMOSAN TERMITE ERADICATION PROGRAM

The Senate bill authorizes a new competitive grant program for the purposes of conducting research for the control, management and possible eradication of Formosan termites in the United States. It also provides that the Secretary may enter into cooperative agreements for conducting projects for Formosan termite control and management and data collection. (Section 233)

The House amendment authorizes the Secretary to make competitive grants for 32 high priority research and extension issues including Formosan termites. (Section 421(e)(20))

The conference substitute adopts the Senate provision with an amendment and inserts the provision in the section for high priority research and extension issues. (Section 242)

The Managers expect the Agricultural Research Service to cooperate and collaborate with the U.S. Forest Service Wood Products Insect Research unit in its administration of the Formosan termite research program.

(33) NUTRIENT COMPOSITION DATA

The Senate bill requires the Secretary to periodically update nutrient composition data and to report to Congress the method that will be used to update the data and the timing of the update. (Section 234)

The House amendment directs the Secretary to update nutrient composition data periodically. (Section 504)

The conference substitute adopts the Senate provision. (Section 611)

(34) CONSOLIDATED ADMINISTRATIVE AND LABORATORY FACILITY

The Senate bill provides authority for the Secretary to contract for construction of a consolidated APHIS laboratory facility in Ames, Iowa. (Section 235)

The House amendment has no comparable provision.

The conference substitute adopts the House provision. (Section 611)

(35) NATIONAL SWINE RESEARCH CENTER

The Senate bill authorizes the Secretary, subject to the availability of appropriations and prior to December 31, 1998, to accept as a gift and administer the National Swine Research Center located in Ames, Iowa. (Section 236)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 612)

(36) COORDINATED PROGRAM OF RESEARCH, EXTENSION AND EDUCATION TO IMPROVE THE COMPETITIVENESS, VIABILITY AND SUSTAINABILITY OF SMALL AND MEDIUM SIZE DAIRY AND LIVESTOCK OPERATIONS

The Senate bill would authorize the Secretary to carry out a coordinated program of research, extension and education to improve the competitiveness, viability and sustainability of small and medium sized dairy and livestock operations. (Section 237)

The House amendment authorizes the Secretary to make competitive grants for 32 high priority research and extension issues including dairy efficiency, profitability and competitiveness. (Section 421 (e)(13))

The conference substitute adopts the Senate provision with an amendment to add poultry. (Section 407)

Small and medium-size farms are independent owner-operated farms where the individual or family that owns the production provides the majority of the labor and management. It is the intent of the Managers that particular attention be directed toward the needs of independent beginning farmers seeking to establish small and medium-size farms.

(37) SUPPORT FOR RESEARCH REGARDING DISEASES OF WHEAT AND BARLEY CAUSED BY FUSARIUM GRAMINEARUM

The Senate bill would authorize the Secretary to make grants to a consortium of land-grant colleges and universities for multi-State research projects aimed at understanding and combating diseases of wheat and barley caused by Fusarium graminearum and related fungi (''wheat scab'). An authorization of appropriations for $5.2 million for each of fiscal years 1998 through 2002 is included. (Section 238).

The House amendment authorizes the Secretary to make competitive grants for 32 high priority research and extension issues including wheat scab. (Section 421 (e)(11))

The conference substitute adopts the Senate provision. (Section 408)

(38) FOOD ANIMAL RESIDUE AVOIDANCE DATABASE PROGRAM

The Senate bill directs the Secretary to continue operation of the Food Animal Residue Avoidance Database program through contracts with appropriate colleges or universities. An authorization of appropriations for $1 million for each fiscal year is included. (Section 239)

The House amendment provides that the Secretary shall continue operation of the Food Animal Residue Avoidance Database program (FARAD program). The Secretary shall provide the necessary information to the appropriate specialists, maintain up-to-date information, disseminate information to the public, furnish up-to-date data on approved drugs, maintain a comprehensive residue avoidance database, provide professional advice for determining the withdrawal times necessary for food safety in the use of drugs in food animals, and engage in other activities that promote food safety. The Secretary, in consultation with the Advisory Board, may make 3 year grants to colleges and universities to operate the FARAD program. (Section 425)

The conference substitute adopts the Senate provision with amendments to provide authority for grants or cooperative agreements, to cap indirect costs at 19% of total federal funds, and to strike the authorization of appropriations. (Section 604)

(39) FINANCIAL ASSISTANCE FOR CERTAIN RURAL AREAS

The Senate bill would authorize the Secretary to provide financial assistance to a nationally recognized organization to promote educational opportunities at the primary and secondary levels is rural areas with a historic incidence of poverty and low academic achievement, including the Lower Mississippi River Delta. An authorization of appropriations for up to $10 million for each fiscal year is included. (Section 240)

The House amendment has no comparable provision.

The conference substitute adopts the House provision.

(40) EVALUATION OF AGRICULTURAL RESEARCH, EXTENSION AND EDUCATION PROGRAM

The Senate bill directs the Secretary to conduct a performance evaluation to determine whether federally funded agricultural research, extension, and education programs result in public goods that have national or multi state significance. This section also requires the Secretary to contract with an expert in research assessment and performance to provide to the Secretary practical guidelines for measuring performance of federally funded agricultural research, extension or education programs. This input should be consistent with the Government Performance and Results Act of 1993. (Section 241)

The House amendment directs the Secretary shall create guidelines for performance measurement of agricultural research, extension, and education programs and then conduct an evaluation to determine whether agricultural research, extension, and education programs conducted or funded by the Department result in public benefits that have national or multi-State significance. (Section 106)

The conference substitute adopts the Senate provision with an amendment to replace the expert with entity or entities with expertise. (Section 631)

(41) STUDY OF FEDERALLY FUNDED AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

The Senate bill directs the Secretary to request the National Academy of Sciences to conduct a study of the role and mission of federally funded agricultural research, extension, and education. The study will include an evaluation of the strength of science conducted by the ARS and the relevance of that science to national priorities; and examination of the formulas for agricultural research and extension funding and examination of the competitive grant system. A report of the study is to be submitted to Congress in two stages beginning eighteen months after the commencement of the Study and concluding within 3 years of the commencement. (Section 242)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with an amendment to revise study requirements. (Section 632)

(42) SENSE OF CONGRESS ON STATE MATCH FOR 1890 INSTITUTIONS

The Senate bill states that it is the Sense of Congress that states should provide matching funds for Federal formula funds provided to the 1890 Institutions. (Section 243)

The House amendment amends the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to phase-in a non-Federal matching requirement for research and extension formula funds to 1890 Institutions. Beginning in fiscal year 1999, 1890 Institutions shall submit a report describing sources of non-Federal funds available to the institution for fiscal year 1999. The phase-in schedule begins in fiscal year 2000 with 70% of the formula allocation requiring no match and 30% requiring a non-Federal match. In fiscal year 2001, the matching requirement increases to 45% of the Federal allocation; and 50% in fiscal year 2002 and thereafter. Based on the 1999 report, the Secretary may waive the match requirement for specific institutions in the fiscal year 2000; however, these institutions would be required to make the 45% match for fiscal year 2001. Non-Federal matching funds may be directed to agricultural research, extension, or teaching programs at the discretion of the 1890 institution. The Secretary shall withhold the difference between the total amount that should have been provided and the non-Federal funds that were actually provided during the fiscal year from States which fail to provide funds for the fiscal

year. The Secretary shall redistribute the withheld funds to other eligible 1890 institutions satisfying the matching funds requirement for that fiscal year, and the re-apportioned funds shall be subject to a match requirement. (Section 212)

The conference substitute adopts the House provision with technical amendments. (Section 226)

(43) INITIATIVE FOR FUTURE AGRICULTURE AND FOOD SYSTEMS

The Senate bill creates a new mandatory spending account that provides $780 million over 5 years for research funding. In FY 1998, the amount is $100 million and in FY 1999–2002, the amount is $170 million per year. This competitively awarded research funding must address critical emerging agricultural issues related to future food production, environmental protection, or farm income or be for activities carried out under the Alternative Agricultural Research and Commercialization Act of 1990. Priority mission areas to be addressed with funding in the first year are food genome; food safety, food technology and human nutrition; new and alternative uses and production of agricultural commodities and products; agricultural biotechnology; and natural resource management including precision agriculture. In fiscal years 1999 through 2001, the Secretary, after consultation with the Advisory Board, may change or add to the list of priority mission areas.

The Senate bill provides that eligible grantees include Federal research agencies, national laboratories, colleges or universities, and private research organizations with established research capacity. The Secretary may award grants to ensure that the faculty of small and mid-sized institutions who have not previously obtained competitive grants from the Secretary receive a portion of the grants. The Secretary is to give priority to grants that are multi-state, multi-institutional, or multi-disciplinary and to grants that integrate agricultural research, extension and education. The Secretary is also directed to solicit and consider input from stakeholders as required in section 102 of the bill in formulating the requests for grant proposals. Scientific peer review or merit review are required as stated in section 103 of the Bill.

The Senate bill requires that matching funds be provided from a non-Federal source if the grant is for research that is commodity-specific and not of national scope. The Secretary is authorized to establish one or more institutes to carry out all or part of the section. (Section 301)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with amendments to provide $120 million annually for FY99–03 and to add an additional priority mission area of farm efficiency and profitability. (Section 401)

The Managers intend that the Secretary may establish one or more institutes to carry out this section. The Managers intend that such institutes would be virtual in nature and designed to maximize efficiency of research funding and not result in investment in physical infrastructure or designation of specific institutions as institutes.

The Managers intend that among the research, education and extension activities conducted and carried out under the priority mission area related to farm efficiency are ways to improve the efficiency and profitability of rural business enterprises.

(44) EXTENSIONS OF AUTHORITIES

The Senate bill reauthorizes most existing research programs until the year 2002. (Section 401)

The House amendment reauthorizes most existing research programs until the year 2002. (Subtitle A of Title III)

The conference substitute adopts the Senate provision with amendments to reauthorize the pilot research program to combine medical and agricultural research, to strike extension of red meat safety research center, and to strike extension of global climate change. (Section 301)

(45) REPEAL OF AUTHORITIES

The Senate bill repeals authority for certain agricultural research programs. (Section 402)

The House amendment repeals authority for certain agricultural research programs. (Subtitle B of Title III)

The conference substitute adopts the Senate provision with an amendment to repeal the dairy goat research grant. (Section 302)

(46) SHORT TITLES FOR SMITH-LEVER ACT AND HATCH ACT OF 1887

The Senate bill amends the Smith-Lever and Hatch Acts to include short titles of each Act. (Section 403)

The House amendment amends the Smith-Lever and Hatch Acts to include short titles of each Act. (Section 201)

The conference substitute adopts the Senate provision. (Section 3)

(47) TECHNICAL CORRECTIONS TO RESEARCH PROVISIONS OF FEDERAL AGRICULTURE IMPROVEMENT AND REFORM ACT OF 1996

The Senate bill contains technical corrections to the Research title of the 1996 Farm Bill. (Section 404)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 606)

(48) NUTRITION PROGRAMS

Subtitle A—Food Stamp Program

Current law

Employment and Training Funds.—All states are entitled to a formula share of specific amounts (established in the Food Stamp Act) for employment and training programs for food stamp recipients. These are set at: $81 million in fiscal year 1998, $84 million in fiscal year 1999, $86 million in fiscal year 2000, $88 million in fiscal year 2001, and $90 million in fiscal year 2002.

States that meet a ''maintenance of effort'' requirement are entitled to a formula share of additional amounts (established in the Food Stamp Act) for employment and training programs. These additional payments are: $131 million a year in fiscal years 1998 through 2001 and $75 million in fiscal year 2002.

Administrative Funds.—The Federal Government pays half of States' food stamp-related administrative costs, without limit. In addition, some States' Temporary Assistance for Needy Families (TANF) block grants include amounts attributable to food stamp-related administrative costs.

Public assistance programs, such as food stamps, Medicaid, and cash welfare, are often administered together. Some administrative activities, such as the collection of information on income and assets, need only be done once when determining eligibility and benefits for applicants or recipients of multiple programs. The cost of collecting and verifying this information is ''common'' among the programs involved.

Before the 1996 welfare reform law (P.L. 104–193), States often ''charged'' the Aid to Families with Dependent Children (AFDC) program for the common costs of determining eligibility for multiple public assistance benefits. The 1996 law replaced the AFDC program (and some related programs) with the TANF block grant program and based each State's block grant on historical Federal payments under the AFDC program (including those for administrative costs). To the extent that common costs for administering public assistance programs were charged to the AFDC program in the past, they were included in the calculation of each State's new TANF grant. States may amend their cost allocation plans in such a way as to receive a second reimbursement for common costs in the Food Stamp (and Medicaid) programs, while retaining their full TANF block grant.

Aliens.—The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA; P.L. 104–193) barred most legal immigrants, or ''qualified aliens,'' from the Food Stamp program. ''Qualified alien'' is defined to include legal permanent residents, refugees, aliens paroled into the United States for at least one year, aliens granted asylum or related relief, and certain abused spouses and children. Non-citizens who remain eligible include: (1) those who meet a 10-year requirement for work covered under the social security system and (2) veterans and active duty military personnel, together with their families. In addition, refugees and asylees (including Cuban/Haitian entrants and Amerasians) are eligible for food stamps for five years after entering as refugees or being granted asylum.

Senate bill

The Senate bill would reduce food stamp administrative reimbursements to States prospectively by the amount of food stamp administrative costs assumed in each State's TANF block grant. The Department of Health and Human Services would determine, for each State, the extent to which common administrative costs were incorporated into the State's TANF allocation and the extent to which those costs could have been attributed to the Food Stamp Program had States allocated costs equally among Food Stamp, Medicaid and cash welfare programs. The Secretary of Agriculture would reduce future food stamp administrative reimbursements to States by the amounts in TANF that could have been attributed to the Food Stamp Program. The Food Stamp Program's share would be approximately one-third of the common costs of administering the Food Stamp, AFDC, and Medicaid programs that were charged to AFDC during the historical base period used to establish the State's TANF grant. The provision lapses in fiscal year 2002 (sec. 501(a)).

The Senate bill would require the Secretary of Agriculture to establish a competitive low-income area grant program to provide funding to initiate school breakfast and summer food service programs in low-income areas. The grant program would be funded at $5,000,000 annually and the Secretary must use the funds to the extent that a sufficient number of schools and service institutions meet eligibility guidelines established by the Secretary, but the Secretary is not required to use all of the money provided. The grant program gives priority to school food authorities (typically school districts) serving primarily low-income children which do not already operate school breakfast or summer food service programs (sec. 501(b)).

The Senate bill would require the Secretary to reimburse child care centers for serving a fourth meal or supplement to children who are in centers longer than eight hours per day in order to accommodate working parents. This section also would require the Secretary to reimburse service institutions running summer food service programs at camps for low-income children or that serve primarily migrant children for up to four meals or supplements during each day of operation. This requirement would take effect on September 1, 1998 (sec. 501(b)).

The Senate bill would provide $185,000 for each of fiscal years 1998 through 2002 for the

Information Clearinghouse. The clearinghouse provides information to groups that assist low-income individuals in becoming self-reliant and less dependent on Federal, State or local governmental agencies for food and other assistance (sec. 501(c)).

The Senate bill would restore food stamp benefits to American Indians living along the Mexican and Canadian borders (sec. 501(d)).

House amendment

The House amendment contains no comparable provision.

Conference agreement

The conference substitute adopts the Senate provisions with technical amendments and amendments that:

''Delete provisions to: (1) establish a low-income area grant program to provide funding to initiate school breakfast and summer food service programs in low-income areas; (2) reimburse child care centers for serving a fourth meal to children in centers longer than eight hours; and (3) reauthorize and provide funding for the Information Clearinghouse;

''Reduce additional amounts to States for employment and training programs by $100 million in fiscal year 1999 and $45 million in fiscal year 2000 (sec. 501);

''Stipulate that, if determined by the Secretary of Health and Human Services, food stamp administrative reimbursements will be reduced for fiscal years 1999 through 2002 and that the reductions will be made, to the extent practicable, on a quarterly basis (sec. 502);

''Make clear that no TANF funds, funds available to carry out title XX of the Social Security Act, State expenditures that qualify as ''maintenance of effort'' spending under the TANF program, or any other Federal funds from programs (other than the Food Stamp Program) or any other State funds expended as a condition to receive Federal matching funds, may be used to replace reductions being made by the Secretary of Agriculture (sec. 502);

''Require the Comptroller General of the United States to review the methodology used by the Secretary of Health and Human Services to determine amounts serving as a basis for the reductions in each States' food stamp administrative reimbursement and require the Comptroller General to submit a written report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate (sec. 502);

''Establish an appeals process under which States may appeal the Secretary of Health and Human Services' determinations serving as the basis for reductions in their food stamp administrative reimbursements to an administrative law judge and the Department of Health and Human Services' Departmental Appeals Board (but bar judicial review) (sec. 502);

''Maintain the requirement for reductions in food stamp administrative reimbursements during the pendency of a State's appeal (sec.502);

''Extend food stamp eligibility to refugees and asylees for 7 years after entry as refugees or obtaining asylum status in the United States, instead of 5 years under current law (sec. 503);

''Restore food stamp eligibility to 'qualified aliens' with disabilities who were lawfully residing in the United States on August 22, 1996 (the enactment date of the PRWORA), including those who become disabled after that date (sec. 504);

''Restore food stamp eligibility to 'qualified aliens' who were lawfully residing in the United States and were 65 years of age or over as of August 22, 1996 (sec. 506);

''Restore food stamp eligibility to 'qualified alien' children under age 18 who were lawfully residing in the United States on August 22, 1996 (sec.507); and

''Restore food stamp eligibility to individuals (including the spouse, unmarried dependent child of such individuals or unremarried surviving spouse of such deceased individuals) who: (1) were a member of a Hmong or Highland Laotian tribe at the time that the tribe rendered assistance to United States personnel by taking part in a military or rescue operation during the Vietnam era, and (2) are lawfully residing in the United States (sec. 508).

The Managers intend that, to the extent that the food stamp disability definition has a disparate application in a particular State because of unique State programs or policies, the Secretary will review available options under section 3(r) of the Food Stamp Act and inform States about their options so that the exemption for disabled individuals will be implemented in that State in a manner which is consistent with the implementation in other States.

The Managers note that the State of Oregon has proposed a food stamp demonstration project incorporating plans to move food stamp participants to self-sufficiency through a case management strategy. This project would build on a similar initiative Oregon has pursued for its TANF participants. In the 1996 welfare reform measure, Congress changed food stamp law substantially to: (1) increase the Secretary's ability to approve pilot projects that ''increase self-sufficiency of food stamp participants, test innovative welfare reform strategies, or allow greater conformity with the rules of other programs,'' (2) give States the option to apply many TANF rules to food stamp participants, (3) permit States to disqualify participants from the Food Stamp Program for violating other public assistance program rules, and (4) expand States' control over work and training requirements. This was with the intent that States' efforts to innovate and coordinate among public assistance programs be supported by the Federal Government. In light of this, the conferees strongly urge the Secretary to carefully consider and promptly act on Oregon's request.

(49) INFORMATION TECHNOLOGY FUNDING

The Senate bill allows CCC funding to be used to purchase automated data processing equipment, telecommunications equipment, and other information technology was capped in the FAIR Act. This section, as of the 1998 fiscal year, would further lower the funding cap to achieve a savings of $82 million dollars through 2002. (Section 502)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with amendments regarding crop insurance. (Section 521)

An amendment to Section 516 of the Federal Crop Insurance Act would provide mandatory funding for the sales commissions of crop insurance agents beginning in the 1999 reinsurance year. The section also limits to $3.5 million annually mandatory funding available to the Agriculture Department's Risk Management Agency for crop insurance research, development, and risk management education. This limitation does not affect mandatory funding for the Dairy Options Pilot Program. (Section 531)

An amendment to Section 508(b)(5) and (c)(10) of the Federal Crop Insurance Act would change the amount and use of the administrative fee producers pay for catastrophic risk protection and the amount of fees paid for additional coverage protection effective with the 1999 reinsurance year. The amount a producer must pay for catastrophic risk protection is changed to the maximum of $50 per crop or 10 percent of the premium for such protection as determined by the Federal Crop Insurance Corporation. Producers would also pay an additional $10 fee for catastrophic risk protection. Producers would be required to pay catastrophic policy fees at the same time premium is paid on additional coverage policies. All catastrophic coverage fees would be deposited in the FCIC Fund to be available for programs and activities of the Corporation, except as compensation to an approved insurance provider or agent. The section also increases the fee paid for additional coverage protection to $20 with the proceeds similarly deposited in the FCIC Fund. (Section 532)

An amendment to Section 508(k) of the Federal Crop Insurance Act would reduce the maximum rate payable by the FCIC Board to reimburse approved insurance providers and agents for their administrative and operating costs. Effective with the 1999 reinsurance year, the maximum reimbursement rate for additional coverage policies is reduced to 24.5 percent of the premium. Additional coverage policies that currently receive a rate lower than 27 percent receive a reduction in the reimbursement rate that is proportional to the reduction between 25 percent and 27 percent. Also, the loss adjustment expense reimbursement companies receive for delivery of catastrophic policies is reduced to 11% of premium. (Section 532)

An amendment codifies provisions of the 1998 Standard Reinsurance Agreement as modified by this subtitle that affect payments to approved insurance providers or agents. (Section 536)

An amendment requires the Corporation to establish procedures for responding to inquiries about its interpretations of the Act and its regulations. (Section 533)

An amendment requires the Corporation to establish regulations regarding time limits for approving a new policy of insurance proposed by a private entity. (Section 534)

An amendment requires the Secretary of Agriculture to contract with a private entity to study: (1) improvement of services to agricultural producers; (2) transforming the role of the Agriculture Department's Risk Management Agency to that of an arm's-length regulator and (3) privatization of crop insurance coverage. (Section 535)

These amendments to the Federal Crop Insurance Act are effective as of the 1999 reinsurance year. (Section 537)

(50) CONSISTENT MATCHING FUNDS REQUIREMENTS UNDER HATCH ACT OF 1887 AND SMITH-LEVER ACT

The House amendment amends the Hatch Act of 1887 to clarify that States receiving Federal formula funds for research and education under the Act must provide a minimum of a one-to-one match with non-Federal dollars for each fiscal year and eliminates a 1955 amendment that gave States a $90,000 allocation before requiring the one-to-one match. This section requires the Secretary to withhold the difference between the total amount that should have been provided and the non-Federal funds that were actually provided during the fiscal year from States which fail to provide matching funds for the fiscal year. The Secretary shall re-apportion withheld funds among the States satisfying the matching requirement for the fiscal year, and the re-apportionment shall be subject to the match requirement. An exception to the match requirement is granted to States for funds received for regional research.

The House amendment amends the Smith-Lever Act to clarify that States receiving Federal formula funds for extension under the Act must provide a minimum of a one-to-

one match with non-Federal dollars for each fiscal year. The section requires the Secretary to withhold the difference between the total amount that should have been provided and the non-Federal funds that were actually provided during the fiscal year from States which fail to provide matching funds for any fiscal year. The Secretary shall reapportion withheld funds among the States satisfying the matching requirement for the fiscal year, and the re-apportionment shall be subject to the match requirement. An exception to the match requirement is granted for matching funds to 1994 Institutions. (Section 202)

The Senate bill has no comparable provision.

The conference substitute adopts the House provision. (Section 203)

(51) PLANS OF WORK TO ADDRESS CRITICAL RESEARCH AND EXTENSION ISSUES AND USE OF PROTOCOLS TO MEASURE SUCCESS OF PLANS

The House amendment amends section 4 of the Smith-Lever Act. Beginning October 1, 1998, as a condition of receipt for Federal formula funds for extension, this section requires that institutions develop a plan of work that contains a description of important State agricultural issues and activities in which two or more State institutions cooperate to address those issues; identifies other colleges and universities in the State and other States with capacity to participate with them in current and emerging efforts towards improved collaborations; and provides a summary of current programs. The Secretary, in consultation with the Advisory Board and land-grant colleges and universities, shall develop protocols to be used to evaluate the plans of work. To the extent practicable, the Secretary shall consider plans of work submitted under this section to satisfy other appropriate Federal reporting requirements.

The House amendment amends section 7 of the Hatch Act of 1887. Beginning October 1, 1998, as a condition of receipt for Federal formula funds for extension, this section requires that institutions develop a plan of work that contain a description of important State agricultural issues and activities in which two or more State institutions cooperate to address those issues; describes the consultation process with users of funds; identifies other colleges and universities in the State and other States with capacity to participate with them in current and emerging efforts towards improved collaborations; and provides a summary of current programs. The Secretary, in consultation with the Advisory Board and land-grant colleges and universities, shall develop protocols to be used to evaluate the plans of work. To the extent practicable, the Secretary shall consider plans of work submitted under this section to satisfy other appropriate Federal reporting requirements. The Secretary may delay the applicability of these requirements until October 1, 1999 if the Secretary finds that the State will be unable to meet such requirements despite good faith efforts. (Section 203)

The Senate bill has no comparable provision.

The conference substitute adopts the House provision. (Section 202)

(52) PLANS OF WORK FOR 1890 INSTITUTIONS TO ADDRESS CRITICAL RESEARCH AND EXTENSION ISSUES AND USE OF PROTOCOLS TO MEASURE SUCCESS OF PLANS

The House amendment amends section 1444(d) of the National Agricultural Research, Extension, and Teach Policy Act of 1977. Beginning October 1, 1998, as a condition of receipt for Federal formula funds for extension, 1890 Institutions shall develop a plan of work that contains a description of important State agricultural issues and activities in which two or more State institutions cooperate to address those issues; describes the consultation process with users of funds; identifies other colleges and universities in the State and other States with capacity to participate with them in current and emerging efforts towards improved collaborations; and provides a summary of current programs. The Secretary, in consultation with the Advisory Board and land-grant colleges and universities, shall develop protocols to be used to evaluate the plans of work. To the extent practicable, the Secretary shall consider plans of work submitted under this section to satisfy other appropriate Federal reporting requirements.

This section requires that beginning October 1, 1998 as a condition of receipt for Federal formula funds for research, 1890 Institutions shall develop a plan of work that contains a description of important State agricultural issues and activities in which two or more State institutions cooperate to address those issues; identifies other colleges and universities in the State and other States with capacity to participate with them in current and emerging efforts towards improved collaborations; and provides a summary of current programs. The Secretary, in consultation with the Advisory Board and land-grant colleges and universities, shall develop protocols to be used to evaluate the plans of work. The Secretary may delay the applicability of these requirements until October 1, 1999, if the Secretary finds that the eligible institution will be unable to meet such requirements despite good faith efforts. (Section 211)

The Senate has no comparable provision.

The conference substitute adopts the House provision. (Section 225)

(53) FINDINGS, AUTHORITIES, AND COMPETITIVE RESEARCH GRANTS UNDER FOREST AND RANGELAND RENEWABLE RESOURCES RESEARCH ACT OF 1978

The House Amendment amends the congressional statement of findings and purposes of the Forest and Rangeland Renewable Resources Act of 1978. The Secretary is authorized to conduct, support, and cooperate in forestry and rangeland research and education that is of the highest priority to the United States and users of public and private forest lands and rangelands in the United States. This section includes 5 priorities for Federal forest and range research and education which include: the biology of forest and range organisms; functional characteristics and cost-effective management of forest and rangelands ecosystems; interactions between humans and forests and rangelands; wood and forage as a raw material; and international trade, competition, and cooperation.

Under the House amendment, the Secretary shall inventory and analyze public and private forests and their resources at least every five years as compared with the current eight to ten years. The Secretary shall also prepare a State forest inventory for each State. At least every five years, the Secretary shall prepare a report that contains a description of the State forest inventories, analyzes the results of the annual nationwide reports, and analyzes forest health trends.

The House amendment modifies the competitive grants authority under the Forest and Rangeland Renewable Resources Act of 1978 to allow the Secretary to use up to 5% of appropriated funds to make competitive grants for forestry research and up to 5% for rangeland research in the five priority areas. The Secretary shall give priority to proposals with collaborative research, matching funds, and in cooperation with existing research efforts. (Section 251)

The Senate has no comparable provision.

The conference substitute adopts the House provision with an amendment regarding authorization from private property owners for the inventory and an amendment authorizing forestry research for Northeastern states . (Section 253)

The Managers recognize that the Forest Service already obtains verbal permission from private landowners before visiting plots located on private land, abides by provisions of the Privacy Act of 1974 to safeguard the confidentiality of data collected on private lands, and assumes the liability for any injury suffered by field crew members while on private land. Where a landowner wishes a written authorization, a written notice shall be provided outlining the purpose and legal authority for conducting the forest inventory, the voluntary nature of private landowner participation, and a means for the landowner to communicate in writing a denial of access. Landowners participating in the inventory program by allowing data collection on their property shall be provided a written communication of the date and time when data were collected and a copy of the annual compilation required by paragraph (2) that is based, in part, on their data.

The Managers intend that the core set of variables collected on federal lands, such as the National Forest System should be consistent across all landownerships.

The Managers intend the words ''and education'' in the subsection related to high priority forestry research and education exclude the teaching of full semester-long university courses by Forest Service employees as a regular part of their Federal employment.

(54) PARTNERSHIPS FOR HIGH-VALUE AGRICULTURAL PRODUCT QUALITY RESEARCH

The House amendment defines ''eligible partnership,'' ''high-value agricultural product,'' and ''Secretary.'' (Section 401)

The House amendment authorizes the Secretary to make competitive grants to establish partnerships to coordinate and manage research and extension activities to enhance the quality of high-value agricultural products. The primary institution involved in a partnership shall be a land-grant college or university acting in partnership with other colleges or universities, nonprofit research and development entities, and Federal laboratories. Partnerships shall prioritize research and extension activities to enhance the competitiveness of agricultural products, increase agricultural exports, and substitute such products for imports. (Section 402)

The House amendment provides that the partnership may address a spectrum of production, processing, packaging, transportation, and marketing issues regarding effective and environmentally responsible pest management alternatives and biotechnology, genetic research, refinement of field production practices, processing and packaging technology, and research to facilitate diversified, value-added enterprises in rural areas. (Section 402)

The House amendment provides that grants may be awarded for a maximum of 5 years with a possibility for renewal. The Secretary shall give preference to multi-institutional proposals that guarantee matching funds in excess of the required amount. The non-Federal sponsors of a partnership shall contribute, at a minimum, the same amount awarded by the Federal Government. (Section 403)

The House amendment authorizes the necessary funds to be appropriated for this subtitle for fiscal years 1998 through 2002. (Section 404)

The Senate bill has no comparable provision.

The conference substitute adopts the House provision. (Section 402)

The Managers recognize the need for additional research emphasis on high value agricultural commodities such as wine, horticultural and floriculture products, and other products that depend on quality issues that are best addressed through cooperative research agreements. The Managers intend that this initiative will emphasize a team approach which furthers cooperation among industry, government and academic researchers.

(55) HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES

The House amendment amends Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) to allow the Secretary, in consultation with the Advisory Board, to make competitive grants for high-priority research and extension grants and provides that the Secretary shall seek proposals for grants and perform peer-review of the proposals from State agricultural experiment stations, all colleges and universities, Federal agencies, and the private sector for high priority research and extension. The grant may not be used for construction of a facility.

The House amendment requires grant recipients to contribute non-Federal matching funds or in-kind support. The Secretary may waive this matching funds requirement if the Secretary determines that the results of the project are likely to be applicable to agricultural commodities generally or that the project involves a minor commodity, deals with scientifically important research, and the recipient would be unable to satisfy the match requirement.

The House amendment permits the Secretary to give priority, after the peer-review process for all grant proposals, to proposals involving the cooperation of multiple institutions.

The House amendment identifies and describes the thirty-two high-priority research and extension areas for which the Secretary will make grants and authorizes the necessary funds to be appropriated for fiscal years 1998 through 2002.

The House amendment authorizes the Secretary to establish task forces to make recommendations in the high priority research and extension areas. The Secretary may not incur costs greater than $1,000 in any fiscal year in connection with each task force. (Section 421)

The Senate bill authorizes separate research programs for fire ants, formosan termite, wheat scab, small and medium sized dairy and livestock operations and reauthorizes the red meat safety research center. (Sections 213, 233, 238, 237, and 401)

The conference substitute adopts the House provision with amendments to strike the authorization for dairy efficiency, profitability and competitiveness and instead adopt the Senate research provision for dairy, livestock and poultry operations; to insert an authorization for tomato spotted wilt virus; to insert modified Senate provisions regarding Formosan termites and imported fire ants; and to create a separate nutrient management research and extension initiative focusing on authorization for animal waste and odor, water quality and ecosystems, rural/urban interfaces, animal feed, and alternative uses of animal waste. (Sections 242 and 243)

The Managers recognize the growing threat of the Tomato Spotted Wilt Virus (TSWV), to several integral crops in the Southeast such as peanuts, tobacco, and tomatoes. Spotted wilt epidemics in the Southeast involve two thrips species, western flower thrips (*Frankliniella occidentalis*) and tobacco thrips (*F. Fusca*) in which the virus multiplies and thus can be transmitted for the life of the thrips. The TSWV and related viruses cause approximately $1 billion a year in damages. The TSWV has an extremely wide host range that includes many important cultivated crops as well as weeds. Two of the species of thrips that transmit TSWV are endemic in the Southeast. The wide host range of the virus and its thrips vectors make spotted wilt control extremely difficult. Progress in better managing spotted wilt has been limited by an inadequate understanding of the disease. The Managers encourage the Secretary to give priority funding to those areas with the highest historical rates of infestation.

The Managers strongly believe that food safety research should be a priority at the Department of Agriculture and our nation's colleges and universities. We applaud the efforts of institutions whose work on *E. coli* 0157:H7, *Cyclospora*, and other foodborne pathogens has helped us gain a better understanding of these new and emerging threats. The Managers consider this matter of extreme importance and encourage the Department of Agriculture, in cooperation with other agencies and institutions, to utilize funds for research partnerships.

The Managers encourage the Secretary to direct research toward practices that preserve the nutrient value of manure and its use as a crop nutrient source. This would include methods to alter the storage and use of manure from different production systems but would also include the assessment of the nutrient value of manure once applied to the soil. Research should especially focus on gaining understanding of the process of odor formation, transport across landscapes, and effective techniques for odor reduction.

The Managers recognize that animal waste management involves the investigation of the nutrient properties of manure that can be used in crop and pasture production systems, including composting to enhance manure characteristics. Furthermore, it is clear that efforts need to be directed toward methods to assess manure quality, processing to improve nutrient value and methods of reducing water content to improve transport characteristics. As this research continues to progress, the Managers further encourage the integration of research concepts into demonstration trials in order to transfer this information to producers.

The Managers intend that the Department make every effort to implement the new section dealing with swine nutrient management and odor control research and extension with minimal disruption. The Managers are aware that laboratories are currently doing swine odor research. To the maximum extent possible, the Department should integrate this new section with ongoing microbiology and water quality research, emphasizing environmentally sound animal production methods.

(56) ORGANIC AGRICULTURAL RESEARCH AND EXTENSION INITIATIVE

The House amendment authorizes the Secretary, in consultation with the Advisory Board, to make competitive specialized research and extension grants for organic activities. The recipient must provide matching, non-Federal funds; however, the Secretary may waive the match if the results of the project, while of particular benefit to one commodity, are likely to be applicable to agriculture generally or the project involves a minor commodity, deals with scientifically important research, and the recipient would be unable to satisfy the matching funds requirement. (Section 422)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision with an amendment to direct that fees collected under the Organic Foods Production Act be provided to USDA to cover the cost of the program. (Sections 244 and 601)

(57) THOMAS JEFFERSON INITIATIVE FOR CROP DIVERSIFICATION

Section 427 establishes the Thomas Jefferson Initiative in order to conduct research and development, in cooperation with other public and private entities, on the production and marketing of new and nontraditional crops. The Secretary shall coordinate the initiative through a nonprofit center that will coordinate research and education programs in cooperation with other public and private entities. The Secretary shall support development of multi-State regional efforts in crop diversification, and 50% of available funding shall be used for regional efforts centered at land-grant institutions. The Secretary may award the remaining funds to colleges or universities, nonprofit organizations, or public agencies in 5 year, competitive grants. Recipients must contribute matching non-Federal funds. (Section 427)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 405)

(58) INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM

The House amendment authorizes the Secretary to award competitive grants to colleges and universities for integrated research, education, and extension projects that address priorities of U.S. agriculture. The Secretary shall require matching funds or in-kind support if the grant will benefit a particular commodity; however, the Secretary may waive the requirement if the results are likely to benefit agriculture generally or the project involves a minor commodity, deals with scientifically important research, and the recipient would be unable to meet the match requirement. (Section 428)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 406)

(59) RESEARCH GRANTS UNDER EQUITY IN EDUCATION LAND-GRANT STATES ACT OF 1994

The House amendment amends the Equity in Education Land-Grant States Act to authorize the Secretary to make competitive grants to 1994 Institutions to conduct agricultural research that addresses high priority concerns of tribal, national, and multi-State significance. Research will be conducted under a cooperative agreement with land-grant colleges and universities. (Section 429)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 251)

(60) ROLE OF SECRETARY OF AGRICULTURE REGARDING FOOD AND AGRICULTURAL SCIENCES RESEARCH, EDUCATION, AND EXTENSION

The House amendment designates the Secretary of Agriculture as the principal official in the Executive branch responsible for coordinating all Federal research and extension activities related to food and agricultural sciences. (Section 501)

The Senate bill has no comparable provision.

The conference substitute adopts the House provision. (Section 613)

(61) OFFICE OF PEST MANAGEMENT POLICY

The House amendment requires the Secretary to establish an Office of Pest Management Policy. This Office of Pest Management Policy shall, in addition to its assigned

responsibilities within the Department of Agriculture, shall provide leadership in coordinating interagency activities with the EPA, FDA, and other Federal and State agencies and coordinate agricultural policies within the Department related to pesticides. This section requires the Office of Pest Management Policy to consult with and provide services to producer groups and interested parties. (Section 502)

The Senate bill has no comparable provision.

The conference substitute adopts the House provision. (Section 614)

The Managers believe that the creation of an Office of Pest Management Policy is necessary to focus and coordinate the many pest management and pesticide-related activities carried out within the Department. The Managers feel strongly that this is a necessary step if the Department is to be effective in carrying out its statutory responsibilities with respect to pesticide issues and pest management research. For example, the National Cancer Institute (NCI), in conjunction with the National Institute of Environmental and Health Sciences and the Environmental Protection Agency (EPA), are conducting a series of epidemiological studies, collectively called the ''Agricultural Health Study.'' The studies are designed to evaluate the health of farmers and will focus primarily on pesticide exposures. The managers believe that the studies should be carried out and the results reported according to the highest standards of epidemiological science. The Managers expect the Office of Pest Management Policy to closely monitor this project and provide input and advice whenever appropriate.

The Managers also expect the Office of Pest Management Policy to coordinate with the EPA to ensure effective implementation of the Food Quality Protection Act of 1996 (FQPA). The Managers recommend the Director of the office work with EPA, producers, and other appropriate groups to develop effective, efficient mechanisms for gathering data necessary for making regulatory decisions under FQPA. The Managers expect the Director and the Administrators of the relevant Departmental agencies to work with producers in reorienting research priorities in pest management to facilitate development, evaluation and delivery of alternative pest management tools.

The Managers expect the office to be created within and staffed by an official within the Office of the Secretary. The managers intend for the Director of the office to report directly to the Secretary or the Deputy Secretary of Agriculture.

(62) FOOD SAFETY RESEARCH INFORMATION OFFICE AND NATIONAL CONFERENCE

The House amendment directs the Secretary to establish a Food and Safety Research Information Office at the National Agricultural Library to provide information on food safety research initiatives to the research community and the general public and further directs the Secretary to sponsor a National Conference on Food Safety Research within 120 days after the enactment of this Act as well as annual workshops in each of the subsequent four years after the conference.

The House amendment provides that the National Academy of Sciences' study include recommendations to ensure that the food safety inspection system, within the resources traditionally available to existing food safety agencies, protects the public health. (Section 503)

The Senate bill has no comparable provision.

The conference substitute adopts the House provision with an amendment to authorize continued development of food safety handling education. (Section 615)

(63) AVAILABILITY OF FUNDS RECEIVED OR COLLECTED ON BEHALF OF NATIONAL ARBORETUM

The House amendment provides a technical amendment to clarify that fees collected at the National Arboretum under the Act of March 4, 1927 are available for use by the Secretary without further appropriation. (Section 505)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 601)

(64) RETENTION AND USE OF AGRICULTURAL RESEARCH SERVICE PATENT CULTURE COLLECTION FEES

The House amendment provides that fees collected by ARS from the Patent Culture Collection shall be retained by ARS for maintenance and operation of the Patent Culture Collection. (Section 506)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 601)

(65) REIMBURSEMENT OF EXPENSES INCURRED UNDER SHEEP PROMOTION, RESEARCH, AND INFORMATION ACT OF 1994

The House amendment provides that the Agricultural Marketing Service may use its funds to reimburse the American Sheep Industry Association for expenses incurred by the Association in preparation for the implementation of a sheep and wool promotion, research, education, and information order. (Section 507)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 617)

(66) DESIGNATION OF KIKA DE LA GARZA SUBTROPICAL AGRICULTURAL RESEARCH CENTER, WESLACO, TEXAS

The House amendment designates the Subtropical Agricultural Research Center in Weslaco, Texas, as the Kika de la Garza Subtropical Agricultural Research Center. (Section 508)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 619)

(67) SENSE OF CONGRESS REGARDING AGRICULTURAL RESEARCH SERVICE EMPHASIS ON FIELD RESEARCH REGARDING METHYL BROMIDE ALTERNATIVES

The House amendment provides that it is the sense of Congress that the Secretary of Agriculture should use a substantial portion of the ARS funds appropriated for the development of agricultural alternatives to methyl bromide for research to be conducted in real field conditions such as pre-planting and post-harvest conditions. (Section 509)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 641)

(68) SENSE OF CONGRESS REGARDING IMPORTANCE OF SCHOOL-BASED AGRICULTURAL EDUCATION

The House amendment contains Sense of Congress that the Secretary of Agriculture and the Secretary of Education cooperate in providing support for school-based agricultural education. (Section 510)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 642)

(69) SENSE OF CONGRESS REGARDING DESIGNATION OF DEPARTMENT CRISIS MANAGEMENT TEAM

Based on congressional findings, it is the sense of Congress that the Secretary should designated a Crisis Management Team, composed of senior departmental personnel in relevant areas, to develop and implement a department-wide crisis management plan. (Section 511)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision with an amendment to strike the findings and require the Secretary to develop a crisis management strategy and to designate a crisis management team. (Section 618)

COMMITTEE ON RESOURCES,
Washington, DC, March 20, 1998.

Hon. ROBERT F. SMITH,
Chairman, Committee on Agriculture, Longworth HOB, Washington, DC.

DEAR MR. CHAIRMAN: Although S. 1150 contains substantial amendments to the National Aquaculture Act of 1980, an act within the jurisdiction of the Committee on Resources, I was disappointed that the Committee on Resources was not named a conferee on the bill.

However, I understand that there is some interest in including a simple authorization of the National Aquaculture Act in the conference report on S. 1150. As funding authorization for the National Aquaculture Act has expired and no reauthorization vehicle has been introduced this Congress, in the interests of efficiency, I would have no objection to including a level reauthorization of appropriations for the Department of Interior, Commerce and Agriculture through 2003 in the conference report. Reauthorization of the National Aquaculture Act has been included in other bills reported from the Committee on Agriculture in the past, but the Committee on Merchant Marine (the predecessor to the Committee on Resources in this jurisdictional area) had always been named a conferee on those provisions. In addition, S. 1150 itself was never referred to a committee in the House of Representatives. Therefore, I make this request with the understanding that the inclusion of funding for these agencies in a bill authorizing agricultural research, a matter within the jurisdiction of the Agriculture Committee, does not diminish or otherwise affect the long-standing jurisdiction of the Committee on Resources over the National Aquaculture Act.

I appreciate you keeping me informed on the progress of the conference on this bill and I thank you for your continued recognition of the role of the Committee on Resources in aquaculture.

Sincerely,

DON YOUNG,
Chairman.

COMMITTEE ON AGRICULTURE,
Washington, DC, March 24, 1998.

Hon. DON YOUNG,
Chairman, Committee on Resources, Longworth HOB, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of March 20, 1998 agreeing to include in the conference report on S. 1150 a simple reauthorization of appropriations for that portion of the National Aquaculture Act under the jurisdiction of the Committee on Resources.

As you noted, funding authorization for the Act has expired and no bill addressing this matter has been introduced in the House. I appreciate your willingness to expedite the reauthorizing process by using S. 1150 as the vehicle. You duly noted in your letter that had S. 1150 been referred to committee, you would have requested referral to the Committee on Resources and that you had requested conferees from that committee after that bill passed the House. I can assure you that inclusion of this provision in

S. 1150, a bill authorizing agricultural research, a matter within the jurisdiction of the Committee on Agriculture, should not be construed to diminish or otherwise affect the jurisdiction of the Committee on Resources over subject matter contained in the National Aquaculture Act.

I look forward to working with you and the Committee on Resources, of which I am a member, on aquaculture and other issues of shared jurisdiction.

Sincerely,

ROBERT F. (BOB) SMITH,
Chairman.

ROBERT SMITH,
LARRY COMBEST,
BILL BARRETT,
CHARLES W. STENHOLM,
CALVIN DOOLEY,
Managers on the Part of the House.

RICHARD G. LUGAR,
THAD COCHRAN,
PAUL D. COVERDELL,
TOM HARKIN,
PATRICK LEAHY,
Managers on the Part of the Senate.

□ 1800

APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

The SPEAKER pro tempore (Mr. PEASE). Without objection, the Chair appoints the following additional conferees on H.R. 2400:

As additional conferees from the Committee on Commerce, for consideration of provisions in the House bill and Senate amendment relating to the Congestion Mitigation and Air Quality Improvement Program; and sections 124, 125, 303, and 502 of the House bill; and sections 1407, 1601, 1602, 2103, 3106, 3301–3302, 4101–4104, and 5004 of the Senate amendment and modifications committed to conference:

Messrs. BLILEY, BILIRAKIS, and DINGELL.

Provided that Mr. TAUZIN is appointed in lieu of Mr. BILIRAKIS for consideration of sections 1407, 2103, and 3106 of the Senate amendment.

There was no objection.

The SPEAKER pro tempore. The Chair will appoint further additional conferees from other committees at a subsequent time.

The Clerk will notify the Senate of the change in conferees.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO VICTIMS OF ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today as my colleagues and I do every time at this time of year, I should say, in what has become one of the proudest traditions in this House and that is to remember and pay tribute to the victims of one of history's worst crimes against humanity, the Armenian genocide of 1915 through 1923.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I know there are a number of Members who would like to participate in the special orders tonight on this subject, and I would ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the topic of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, when we talk about the Armenian genocide, we are describing one of the most horrible events of the 20th century and in all of human history. Yet many, perhaps most, Americans and most people around the world are barely aware of this extremely significant historical event. There are those who even try to deny that the genocide ever happened. But it did happen.

The Armenian genocide was the systematic extermination of 1½ million Armenian men, women, and children during the final years of the Ottoman-Turkish empire. This was the first genocide of the 20th century, a precursor to the Nazi Holocaust and other cases of ethic cleansing and mass exterminations which are still all too common around the world.

Friday, April 24, marks the 83rd anniversary of the unleashing of the Armenian genocide. This evening, here in the Capitol building, the Armenian National Committee of America is sponsoring a ceremony and reception of remembrance for the genocide; and the ANC and the Armenian Assembly have both been at the forefront for calling for recognition of the genocide, not just for the people of Armenian descent who have heard the history from their parents or grandparents but for all of us as an active education and witness about the evils of genocide and the danger of forgetting.

Yet, Mr. Speaker, I regret to say that the United States still does not officially recognize the Armenian genocide. Bowing to strong pressure from Turkey, the U.S. State Department has for more than 15 years shied away from referring to the tragic events of 1915 to 1923 by the word ''genocide.''

President Clinton and his recent predecessors have annually issued proclamations on the anniversary of the genocide expressing sorrow for the massacres and solidarity with the victims but always stopping short of using the word ''genocide,'' thus minimizing and not accurately conveying what really happened beginning 83 years ago.

Mr. Speaker, the United States should go on record clearly and unambiguously recognizing the Armenian genocide and setting aside April 24 as a day of remembrance. To that end, I urge renewed efforts to, on the part of Congress, to pass a resolution that puts the United States firmly on record on the side of truth. We will also keep up the pressure on the President to call the genocide by its proper name.

And what is almost as appalling as the act of genocide itself is the fact that the Republic of Turkey simply goes on denying that the genocide ever took place. Indeed, Turkey has mounted an aggressive effort to try to present an alternative and false version of history, using its extensive financial and lobbying resources in this country.

The Turkish Government has embarked on a strategy of endowing Turkish study programs at various universities around the United States. And while Turkish and Ottoman studies are cleared worthy of academic interest, the Turkish Government is attaching conditions to these funds that make it clear that the program will be carried out under the watchful eyes of the Turkish Government and other pro-Turkish elements. One of the major goals of this propaganda effort is to minimize, distort, and outright deny the facts of the Armenian genocide.

Mr. Speaker, adding insult to injury, the Republic of Azerbaijan has mounted an effort to try to accuse Armenians of committing genocide against the people of Azerbaijan, in many cases directly mimicking Armenian statements and simply turning them around against the Armenians.

Recently, the Assembly of Turkish-American Associations circulated a booklet to congressional offices denying the Armenian genocide and fabricating a wide range of half-truths, slanders, and lies against the Armenian people. But these denials fly in the face of the preponderance of evidence.

The U.S. National Archives holds the most comprehensive documentation in the world on this historical tragedy. Formal protests were made at the time by the U.S. Ambassador, and Congress approved of allowing a private relief agency to raise funds in the United States. American consular officials and private aide workers secretly housed Armenians at great personal risks to themselves and in direct defiance of Turkish orders not to help the Armenians.

Mr. Speaker, I know many of my other colleagues would like to address this subject tonight, and I would like to say that the Armenian genocide is a very painful subject to discuss, yet we must never forget what happened and never cease speaking out. We must overcome the denials and indifference and keep alive the memory and the truth of what happened.

Mr. HOYER. Mr. Speaker, if the gentleman will yield, I want to thank the gentleman for his remarks and associate myself with them.

Mr. MOAKLEY. Mr. Speaker, I rise today to join with my colleagues in remembering the Armenian people who lost their lives in one of history's

greatest atrocities, the Armenian genocide.

Mr. Speaker, on April 24, 1915, Turkish officials arrested and exiled more than 200 Armenian political, intellectual and religious leaders. This symbolic rounding up of Armenian leaders began a reign of terror against the Armenian people that lasted for the next eight years, and resulted in the death of more than 1.5 million Armenians. Acts of deportations, torture, enslavement and mass executions obliterated the Armenian population and changed the world forever. These mass exterminations and incidents of ethnic cleansing are the first examples of genocide in this century, and have often been referred to as the precursor to the Nazi Holocaust.

It is most important that we remember the Armenian people and recognize the Armenian Genocide so that we never again see such a heinous disregard for human life. The memory of this event, no matter how cruel and brutal, must serve as a lesson to us all to never ignore such actions. We owe that to the Armenian people who showed such bravery in a time of great pain and tragedy.

Mr. KENNEDY of Rhode Island. Mr. Speaker, during the First World War, the Armenian people suffered greatly under the hands of Turkey, leading to what we now have come to call the Armenian Genocide.

It was one of the first state ordered genocides of this century, and would later become one of the many genocides that have marred the recent history of our World.

During the First World War, the willingness of the Armenians to serve in the Allied forces, was seen as a threat to the Turkish government. The Turks ordered a mass deportation of almost the entire Armenian population from their homeland to two provinces of the Turkish Empire.

More than one million Armenians died during this long forced march, many from disease and malnutrition.

Once a year, we pay tribute to those who survived and we honor the memory of those who perished in the genocide. Nearly 1.5 million persons were killed and another half million were deported from their home country.

Unfortunately, the atrocities of the past have been replayed in the Holocaust of World War II, Combodia, Rwanda, the former Yugoslavia, and many other places world wide where leaders have turned their backs on human rights and human suffering.

The crime of genocide must never again be allowed a part of our lives, and today we stand with our Armenian friends, to remember and share in their grief, and to make a commitment to prevent such acts in the future.

We must work to remember and never forget the genocide, and to fight for peace in this region and worldwide.

I will be going to Armenia in May, and look forward to meeting with Armenians on the ongoing issues that they have with Turkey and an overview of the history that they have endured.

I am proud to join Armenians around the world as we remember the terrible massacres suffered in 1915–23.

Mr. ACKERMAN. Mr. Speaker, I rise today, together with my colleagues, to commemorate the Armenian Genocide of 1915–1923. This is an episode of human history so dark, and so repulsive to our sense of decency and morality, that it deserves our special attention. In the eight years of the genocide, more than 1.5 million Armenians of the Ottoman Empire were systematically slaughtered. Their property was confiscated, and many were forced on long marches, often without food and water, during which thousands of victims died. Others were forced into slave labor, while many were simply tortured and executed. These atrocious acts comprised the first instance of genocide in the twentieth century—and tragically it was not the last systematic attempt to destroy an entire race of people.

It is of the utmost importance that we not allow this tragedy to lapse from our memory. Equally important is that we should not by means of obfuscation and equivocation attempt to deny these horrifying events. It has been said that denial of genocide is the final state of genocide: by attempting to erase the memory of the act and trivialize the suffering of its victims it destroys the dignity of all those who died.

I therefore call on the Turkish government to right a wrong and recognize the occurrence of the Armenian Genocide. In this way, we can finally come to terms with this tragedy, not as Turks or Armenians or members of any particular ethnic group, but as human beings. For it is only after we have acknowledged the evils of which humankind is capable, that we can prevent these evils from occurring again.

Many are aware of the remark made by Adolph Hitler as he was planning the ''final solution'' for the ''Jewish problem'' that ''who, after all, speaks today of the annihilation of the Armenians?'' The fact that he could take comfort in our collective amnesia only proves the need to remember these atrocities. I am honored to be joining with all those who are commemorating the Armenian Genocide today throughout the world, and I thank my colleagues, Congressmen JOHN PORTER and FRANK PALLONE, for helping to keep Members of the House focused on this very important issue. I implore everyone, young and old, to heed well the all-important phrase: ''We must never forget!''

Ms. PELOSI. Mr. Speaker, I thank Mr. PALLONE and Mr. PORTER for their leadership in bringing us together to remember a time in world history when the Armenian people were singled out for a brutal attack on their very existence, an attack that would come to be known as the Armenian Genocide. On April 24, 1915, the rulers of the Ottoman Empire set out to annihilate the Armenian minority. Over the course of the next eight years, the Turkish government systematically murdered 1.5 million Armenians and deported 500,000. By the end of 1923, the entire Armenian population of Anatolia and Western Armenia was either murdered or deported.

This anniversary serves to remind us of the importance of vigilance against oppression and acts of violence against the rights of ethnic minorities around the world. In my home state of California, the story of the Armenian Genocide is included in the social studies curriculum as mandated by the State Board of Education in 1987. Similar curricula on human rights and genocide exist in New Jersey, New York, Connecticut and Massachusetts.

And while a growing number of Americans come to understand the horror of this episode in history, the perpetrators continue their denial. Just last year, Turkey attempted to endow a chair on Turkish and Ottoman history at UCLA. School officials were forced to temper their initial enthusiasm when concerns were raised that this effort was a stab at historical revisionism.

Turkey continues to violate the human rights of the Kurdish minority, at times in ways that are reminiscent of its historical treatment of the Armenians and Greeks. The Turkish government has failed to ensure the safety of the Ecumenical Patriarch and the seat of the Orthodox Church in Istanbul. In Cyprus, the Turkish army enforces a partition of the island that has been universally denounced since it invaded in 1974. This consistent and constant disregard of international convention is a hallmark of a nation that ignores the obvious lessons from its own history.

Despite the near obliteration of their ancient culture, the Armenian people have survived. Throughout the world they have made enormous cultural and economic contributions to the communities in their adopted homelands. Recently, Armenia held presidential elections, and while there were some problems, this fragile democracy continues to move forward. I congratulate the Armenian people for their resilience. Their triumph over adversity is a story from which we all draw strength.

ARMENIAN GENOCIDE—83D ANNIVERSARY

Mrs. MALONEY of New York, Mr. Speaker, as a proud member of the Congressional Caucus on Armenian Issues, and the representative of a large and vibrant community of Armenian-Americans, I rise today to join my colleagues in the sad commemoration of the Armenian Genocide.

First, I would like to commend the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Illinois (Mr. PORTER), co-chairs of the caucus, for all of their hard work on this issue and other issues of human rights.

April 24, 1998 marks the 83d anniversary of the beginning of the Armenian genocide. It was on that day in 1915 that over 200 Armenian religious, political, and intellectual leaders were arrested and subsequently murdered in central Turkey.

This date marks the beginning of an organized campaign by the ''Young Turk'' government to eliminate the Armenians from the Ottoman Empire.

Over the next 8 years, 1.5 million Armenians died at the hands of the Turks, and a half million more were departed.

As the United States Ambassador to the Ottoman Empire, Henry Mrogenthau, Sr., has written: ''When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race. They understood this well and made no particular attempt to conceal the fact.''

As a supporter of human rights, I am dismayed that the Turkish government is still refusing to acknowledge what happened and instead is attempting to rewrite history.

In a sense, even more appalling than Turkey's denial is the willingness of some officials in our own government to join in rewriting the history of the Armenian Genocide. It is vital that we do not let political agendas get in the way of doing the right thing.

Mr. Speaker, the issues surrounding the Armenian genocide should not go unresolved. I call upon the United States Government to demand complete accountability by the Turkish

Government for the Armenian Genocide of 1915–1923. To heal the wounds of the past, the Turkish government must first recognize the responsibility of its country's leaders at that time for this catastrophe.

Nothing we can do or say will bring those who perished back to life, but we can imbue their memories with everlasting meaning by teaching the lessons of the Armenian genocide to future generations.

The noted philosopher, George Santayana, has taught us that ''those who cannot remember the past are condemned to repeat it.'' We should heed this wise principle and do all we can to ensure that the martyrdom of the Armenian people is not forgotten.

Mr. LEVIN. Mr. Speaker, today, I join voices with my colleagues in Congress and Armenians all over the world as we commemorate the 83d anniversary of the Armenian Genocide.

Between 1894 and 1923, approximately two million Armenians were massacred, persecuted, or exiled by the Ottoman Empire. Today, fewer than 80,000 declared Armenians remain in Turkey. The Eastern provinces, the Armenian heartland, are virtually without Armenians.

The years since the Armenian Genocide have magnified its tragedy, not diminished it. It is true for the hundreds of thousands who lost their lives as well as their families for whom the void can never be filled.

It also has been true for all the world. The Holocaust of the 1930's and 1940's has been followed by a number of genocides in the last three decades. The failure of the Turkish government to acknowledge the sinful acts of its predecessors sent the wrong message to the rulers of Cambodia, Rwanda and Bosnia. The failure of countries of the world to take prompt notice of these modern atrocities should remind all of us of the failure of other nations to promptly acknowledge the massacre of Armenians in the Ottoman Empire.

In a word, it is the duty of all Armenians to join Armenian-Americans in remembering the Armenian genocide. We have been fighting this battle for formal acknowledgement by the Turkish government for many years. We must not give in until the battle is won.

Mr. TORRES. Mr. Speaker, each year, for the past six or seven years of my memory, my colleagues, Mr. PALLONE and Mr. PORTER, have organized this special congressional opportunity for this body to pause to honor the memory of the 1½ million Armenians who were killed between 1915 and 1923 by agents of the Turkish Ottoman Empire in what is known in infamy as the Armenian Genocide. In essence, we retell a story of a moment in history, an even which began some 83 years ago. I have noticed that each year, I find myself using the same words to tell this story, and I realize that this process of retelling the facts of genocide, committed against the people of Armenia is in itself a very important event. For in retelling this story of the horror which was perpetuated, we remember to be vigilant against the planting of the seeds of future atrocities.

I would like to add that my district, the 34th Congressional district of California, has what I believe is the only monument in the United States which commemorates and records the Genocide against the Armenian people. The citizens of the 34th Congressional district have strong feelings about today's commemoration, and on their behalf I am here today to share with you this retelling of an old an difficult story.

Some would claim that our remembrance today fans the flames of atavistic hatred and that this issue of the Ottoman government's efforts to destroy the Armenian people is a matter best left to scholars and historians. I do not agree. One fact remains undeniable: the death and suffering of Armenians on a massive scale happened, and is deserving of recognition and remembrance.

This solemn occasion permits us to join in remembrance with the many Americans of Armenian ancestry, to remind this country of the tragic price paid by the Armenian community for its long pursuit of life, liberty and freedom.

Today, I rise, with my Colleagues to recall and remember one of the most tragic events in history and through this act of remembrance, to make public and vivid the memory of the ultimate price paid by the Armenian community by this blot against human civility.

We come together each year with this act of commemoration, this year being the 83rd anniversary of this genocide, to tell the stories of this atrocity so that we will not sink into ignorance of our capacity to taint human progress with acts of mass under.

The Armenian genocide was a deliberate act to kill, or deport, all Armenians from Asia Minor, and takes its place in history with other acts of genocide such as Stalin's destruction of the Kulaks, Hilter's calculated wrath on the Jews, Poles, and Romany Gypsy community in Central Europe, and Pol Pot's attempt to purge incorrect political thought from Cambodia by killing all of his people over the age of fifteen, and more recently, the ethnic cleansing atrocities in Bosnia and Rwanda.

We do not have the ability to go back and correct acts of a previous time, or to right the wrongs of the past. If we had this capacity, perhaps we could have prevented the murders of millions of men, women and children.

We can, however, do everything in our power to prevent such atrocities from occurring again. To do this, we must educate people about these horrible incidents, comfort the survivors and keep alive the memories of those who died. I encourage everyone to use this moment to think about the tragedy which was the Armenian Genocide, to contemplate the massive loss of lives, and to ponder the loss of the human contributions which might have been.

Although the massacre we depict and describe started 83 years ago, the Armenian people continue to fight for their freedom and independence today, in Nagorno Karabakh. Again, this year, I would like to close my remarks with an urgent plea that we use this moment as an occasion to recommit ourselves to the spirit of human understanding, compassion, patience, and love.

For these alone are the tools for overcoming our tragic, and uniquely human proclivity for resolving differences and conflicts by acts of violence.

This century has been characterized as one of the bloodiest in our archives of human history. Certainly, the genocide perpetuated against the Armenian people has been a factor in this dismal record.

The dawning of a new millennium offers our human race two paths. One continues along a road of destruction, distrust, and despair. Those who travel this path have lost their connection to the primal directives, which permit us as a society to maintain balance, continuity, and harmony. I would ask my colleagues, on this 83d anniversary of one of history's bloodiest massacres of human beings—and during a time in history when violent solutions to problems between peoples continue to hold sway—to contemplate the second path. The map to this path exists within the guiding teachings of all major world religions and are encapsulated in what Christians refer to as the 10 Commandments. I would ask my colleagues, no matter their religious or political persuasions and beliefs, to revisit these core teachings which form a common bond between all peoples. To use these common beliefs as the basis for action and understanding in these trying times. The surface differences between peoples, offer only an exciting diversity in form. At the core all peoples are united by common dreams, aspirations, and beliefs in a desire for harmony, decency, and peace with justice.

Let these testimonies of the atrocities perpetuated against the Armenian people serve as a reminder that as a human race we can, and must, do better. It takes strength and wisdom to understand that the sword of compassion is indeed mightier than the sword of steel.

Certainly, as we reflect over the conflicts of this closing century, we can only come to the conclusion that violence begets violence, hatred begets hatred and that only understanding patience, compassion, and love can open the door to the realization of the dreams which we all hold for our children and for their children.

Let our statements today, remembering and openly condemning the atrocity committed against the Armenians, help renew a commitment of the American people to oppose any and all instances of genocide. As we enter the new millennium let us commit ourselves to finding new and peaceful paths for resolving differences which inevitably arise.

I thank my colleagues for permitting me the honor of sharing these thoughts and words with you today.

Ms. ESHOO. Mr. Speaker, tonight we gather to commemorate those who lost their homes, loved ones, and lives in the Armenian Genocide at the beginning of this century.

I am the only Member of Congress of Armenian descent. Every other day of the year, my heritage is a source of honor for me because not only do I represent a congressional district, but I also represent a community of people who have made tremendous contributions to the world. However, tonight being Armenian carries with it an obligation to bear witness * * * to remember what began in 1915 * * * to remember what happened to my family and over a million other Armenians when the Ottoman Empire forgot its humanity and set out on a path of destruction.

We gather here to remember the first genocide of this century so we don't forget that it was not an isolated incident. The Armenians were followed by the victims of Stalin's purges, the German Holocaust, Cambodia's Killing Fields, the ''ethnic cleansing'' of Bosnia, and the tragedy of the Great Lakes region in Africa.

Despite these examples we still do not understand why one day a community can be living peaceably among another, and the next they are singled out, rounded up, imprisoned and eventually killed. We may not understand why the Ottoman Empire decided to kill the Armenians, but we do know that it did happen and that it was, without question, morally wrong. Despite continued attempts to downplay or deny the scale of the tragedy, the forced removal of a half a million people, and the massacre of 1.5 million more has no other name but genocide.

This past year several books written by members of the Armenian diaspora have been published, and in conclusion, I would like to quote from one of these books, ''Black Dog of Fate,'' by Peter Balakian. He writes the following:

Commemoration is an essential process for the bereaved and for the inheritors of the legacy of genocide. It is a process of making meaning out of the unthinkable horror and loss. Because the dead have not been literally or emotionally buried in the wake of genocide, commemoration is also a ritual of burying the dead—that first act of civilization. Because genocide seeks to negate all meaning, to unmake the world, the survivors and their children must find a way back to civilization. Commemoration, then publicly legitimizes the victim culture's grief. The burden of bereavement can be alleviated if shared and witnessed by a larger community. Only then can redemption, hope and community be achieved.

I thank Representatives PALLONE and PORTER for organizing tonight's remembrance. You help to provide a larger community, where Armenians can share and witness, and give hope for redemption.

Mrs. KENNELLY. Mr. Speaker, I rise today in commemoration of the 83rd anniversary of the Armenian Genocide. On April 24, 1915, over 200 Armenian religious and political leaders were taken to Turkey and systematically executed. The years that followed brought further persecution upon the Armenian people. It is important to recognize the horror of the Armenian genocide as it is a lesson for all time. Recognition and education are the best tools available to help us learn from the mistakes of the past and insure human dignity for people worldwide. As we remember the persecution that the Armenians endured, we as Americans must not take for granted our freedom and security. We must always work to ensure human rights for all people.

The atrocities that occurred in the Ottoman Empire from 1915 until 1923 were more than a series of massacres in a time of instability, they foreshadowed the nightmare of the Nazi Holocaust and other cases of ethnic cleansing in the twentieth century. A failure to be honest with the past led to the terrors that followed later in the twentieth century. The Armenian people were driven from their homes and deprived of their freedom, their dignity and finally their lives. By 1923, 1.5 million Armenians had died, and 500,000 more had been evicted from their homes at the hands of the Ottoman authorities. We look back with sadness at these tragic occurrences and mourn the tremendous losses of the Armenian people.

To ignore the Armenian genocide and its impact on history would dishonor the victims of this tragedy. This was the first genocide of the twentieth century, and, sadly, it was not the last. On this, the 83rd anniversary of the Armenian genocide we must not forget the victims and we must be prepared to prevent further crimes against humanity.

Mr. GEJDENSON. On this day I stand with Armenians worldwide in remembering the anniversary of the genocide committed against the Armenian people between 1915 and 1923.

Eighty-three years ago today, representatives of the Ottoman Empire arrested Armenian religious, political, and intellectual leaders. During the 8 years that followed, an estimated 1.5 million Armenians were executed. Many were raped, tortured, or enslaved. In addition to those killed, an estimated 500,000 Armenians were deported from the Ottoman Empire. Thankfully, many of those exiles made their way to freedom in the United States where they and their descendants continue to make significant contributions to the cultural, political, and commercial fabric of the United States.

Despite the formidable challenges they have faced over the years, the Armenian people have demonstrated remarkable resilience. Today's anniversary of the genocide affords us a chance to reflect upon the challenges Armenian faces today. While it continues to struggle under blockades imposed by its neighbors, Armenia continues to make economic progress and just concluded an improved democratic election. This continues the progress begun on September 21, 1991, when more than 94 percent of Armenia's eligible voters turned out to vote in a referendum for Armenian independence. Two days later, the Armenian Parliament made the people's desire official when it declared Armenia's independence from the Soviet Union.

There are two ways to fight to prevent genocide from occurring again. One way is to do what we can as a nation and as individuals to take notice, to condemn, and to intervene when necessary before those who would kill are emboldened. The second is to embrace the truth, to remember history, and to confront those who would otherwise ignore or distort the occurrence of genocide.

My family history intertwines with the tragedy of the Armenia's past. My father's entire family was exterminated as was most of my mother's during the Holocaust. My father and mother escaped Hitler and Stalin and met in a displaced-persons camp in Germany after the war and took me and my sister away to peace and freedom in eastern Connecticut, which I now proudly represent in Congress.

When Hitler proposed his extermination of the Jews, he heard some opposition in the room. He silenced his opposition by asking the question, ''Who remembers the Armenians?'' I stand today so that everyone remembers the Armenians and the Jews, so no one can commit the atrocities of the past again.

Mr. FRELINGHUYSEN. Mr. Speaker, today we remember the Armenian Genocide, and honor the memory of the 1.5 million Armenians who died between 1915 and 1923.

It has been 83 years since the Ottoman Empire began the systematic slaughter of Armenians living in Turkey. It started in 1915, when the Turkish government rounded up and killed Armenian soldiers. Then, on April 24, 1915, the government turned its attention to slaughtering Armenian intellectuals. They were killed because of their ethnicity, the first group in the 20th Century killed not for what they did, but for who they were.

By the time the bloodshed of the genocide ended, the victims included the aged, women and children who had been forced from their homes and marched to relocation camps, beaten and brutalized along the way. In addition to the 1.5 million dead, over 500,000 Armenians were chased from their homeland.

We take time every year to remember the victims of the Armenian genocide. We hope that, by remembering the bloodshed and atrocities committed against the Armenians, we can prevent this kind of tragedy from repeating itself. Unfortunately, we have been unsuccessful. From Germany to Cambodia to Rwanda, the horrors of the genocide have repeated themselves.

So, Mr. Speaker, we must continue to talk about the genocide. We must keep alive the memory of those who lost their lives during the eight years of bloodshed in Armenia. We must educate other nations who have not recognized that the Armenian genocide occurred. We must be vigilant and guard against this kind of wholesale slaughter from happening in the future.

Mr. Speaker, I commend Armenian-Americans—the survivors and their descendants—who continue to educate the world about the tragedy of the Armenian Genocide and make valuable contributions to our shared American culture. Because of their efforts, the world will not be allowed to forget the memory of the victims of the first 20th Century holocaust.

Mr. WEYGAND. Mr. Speaker, on behalf of the Armenian community in Rhode Island, I would like to recognize and commemorate the observance of the 83rd anniversary of the Armenian Genocide, a solemn, yet historically significant event.

On April 24, 1915, 200 intellectuals, political and religious leaders from Constantinople were executed by Turkish officials. Over the next 8 years, 1.5 million Armenians were driven from their homes, forced to endure death marches, starved, forced into slavery, deported, tortured and executed in mass numbers. The period of 1915–23 marks one of the darkest periods of modern times—the first example of genocide in the 20th century.

Today, we honor the victims, who suffered at the hands of the Ottoman Turks, and express our condolences to their descendants. The world has chosen to ignore this tragedy and because we must ensure that history does not repeat itself, we need to properly acknowledge the horrors of the Armenian Genocide.

I join with my colleagues and the Armenian community to proclaim that the genocide did indeed happen, despite the protests from the Turkish Government. Unfortunately, we cannot change the past, but by honoring the victims of the Armenian Genocide and sharing the grief of their families, we can begin to heal the many wounds and work together to ensure that these injustices never occur again.

Mr. MCKEON. Mr. Speaker, I join many of my colleagues today in commemorating the 83rd anniversary of the Armenian Genocide. For many Armenians, April 24, 1915 signifies the beginning of the systematic and deliberate campaign of the Ottoman Empire to extinguish the Armenian population under their rule. On this day, Armenians from around the world will be joined by many others, not only to remember one of this century's worst tragedies, but to use it as a lesson for future generations to preserve human rights around the world.

This somber occasion marks the anniversary of that day in 1915 when members of the

Armenian religious, political, and intellectual leadership were arrested and executed. This incident was not isolated and marked the beginning of a mass persecution of Armenian men, women, and children. At that time, the U.S. Ambassador to the Ottoman Empire, Henry Morgenthau, Sr., stated that ''When the Turkish authorities gave the orders for these deportations, they were giving the death warrant to a whole new race. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915.''

Tragically, from 1915 to 1923, 1.5 million Armenians were killed, with another 500,000 that were exiled from their homes. By the end of 1923, the two million Armenians that had resided in Turkey were either killed or deported.

Throughout my life I have had the privilege of becoming friends with a number of Armenians who have shared the tales of the horrible and inhumane experiences their relatives endured. As we reflect on this tragedy today, we will certainly remember those who suffered and pay tribute to the memory of the millions of Armenian victims.

Today I ask my colleagues to condemn the atrocities committed against the Armenians and continue in our efforts to prevent similar tragedies from developing. We must recognize and openly acknowledge the atrocities committed against humanity before we are able to prevent them from happening again in the future. If we fail to speak out against such crimes, we are only ensuring that these atrocities will continue to occur as time goes on. That is a tragedy we cannot afford to risk.

Thank you for allowing me to participate in this special tribute to the Armenian community. I am honored to be here.

Ms. HARMAN. Mr. Speaker, I rise today to commemorate the first of this century's many examples of man's inhumanity to man: the brutal suppression perpetrated by the Ottoman Empire against 1.5 million Armenian men, women, and children at the beginning of this century. On April 24, 1915, Ottoman authorities arrested 200 political, religious, and intellectual leaders of the Armenian community of Constantinople. In the eight long years that followed, the Armenian population of Asia Minor was subjected to forced privation, deportation, torture, and death.

Mr. Speaker, it is important to remember this event, just as it is important to remember the suffering of millions of other victims of hatred and violence. It is important to remember because by remembering we say no Holocaust, no ''ethnic cleansing,'' no mass extermination must ever happen again.

No observer of the world scene today can ignore the long-lasting repercussions of such atrocities. In the Balkans and Central Asia, we see how memories of past injustice and mass human rights violations complicate the search for peace. In commemorating the Armenian Genocide today, we must renew our commitment to help prevent future ethnic and religious hatred.

This day of remembrance also highlights the endurance and the spirit of the Armenian people. Many displaced Armenians joined the ranks of those who sought haven in our country. Many settled in my home State of California, where they achieved prosperity, contributed to civic life, and added to the cultural richness of our State. California today is home to the largest—and thriving—community of Armenian-Americans. Their success says to the tyrants and the perpetrators of mass persecution in the world that the human spirit cannot be suppressed.

Mr. Speaker, I thank my colleagues Mr. PALLONE and Mr. PORTER for organizing this special order, and join my colleagues here today, the Armenian-American community, and Americans across our country in commemorating the Armenian Genocide.

Mr. MANTON. Mr. Speaker, I rise today to join my colleagues in remembering the 83rd Anniversary of the Armenian Genocide. I want to thank my colleagues Congressmen FRANK PALLONE and JOHN PORTER for organizing this Special Order to commemorate the victims of one of the most tragic events in history.

On this day in 1915, a group of distinguished Armenian leaders—intellectual, political, and religious—were arrested and brutally murdered by the Ottoman Empire. This began a long and abysmal process by which 1.5 million Armenians lost their lives. A disgraceful and inhuman process which also resulted in more than 500,000 deportations. The accounts by survivors go beyond the massive killings, there were rapes, forced slavery and the deprivation of land and homes.

Unfortunately, the infringement on Armenian human rights continues today with the conflict over Nagorno-Karabagh. This ongoing and needless confrontation has ripped families and communities apart and killed more than 1,500 Armenians. However, I hope and pray the newly elected President of Armenia, Robert Kocharian, will continue to lend his expertise towards a solution on the Nagorno Karabagh dispute. I congratulate President Kocharian and wish him the best as he leads the people of Armenian into the next millennium.

Mr. Speaker, I am proud to join my colleagues every year in commemorating the Armenian Genocide. Unfortunately, many people continue to deny these events took place in the years between 1915 and 1923. I cannot stress enough the importance that we as members of Congress continue to officially recognize this genocide because it is a part of our world history. We cannot deny, nor forget it.

Although many of the survivors of the Armenian Genocide are no longer with us, it is important that we recognize this tragedy in honor of their relatives who continue to live with the memory of the event and teach their children about this tragedy. New York State is one of the few states which has offered a human rights/genocide curricula for teachers to use at their discretion, including the story of the Armenian genocide. I encourage my colleagues to work with their state educators to implement a similar program. Education programs, along with family discussions, are ways to ensure a peaceful future not only for the people of Armenia, but for all peoples.

Mr. Speaker, I encourage my colleagues to join me as a member of the Congressional Armenia Caucus where they will have the opportunity to work on issues affecting Armenians and Armenian-Americans while strengthening U.S.-Armenian relations in a bipartisan manner.

I commend the people of Armenia for their tremendous contributions to the world while continuing to strengthen their own democracy. I look forward to working with my colleagues and the people of Armenia to ensure a stable and bright future for the years to come.

Mrs. LOWEY. Mr. Speaker, this year marks the 83d anniversary of the Armenian Genocide, an act of mass murder that took 1.5 million Armenian lives and led to the exile of the Armenian nation from its historic homeland.

It is of vital importance that we never forget what happened to the Armenian people. Indeed the only thing we can do for the victims is to remember, and we forget at our own peril.

The Armenian Genocide, which began 15 years after the start of the twentieth century, was the first act of genocide of this century, but it was far from the last. The Armenian Genocide was followed by the Holocaust, Stalin's purges, and other acts of mass murder around the world.

Adolf Hitler himself sad that the world's indifference to the slaughter in Armenia indicated that there would be no global outcry if he undertook the mass murder of Jews and others he considered less than human. And he was right. It was only after the Holocaust that the cry ''never again'' arose throughout the world. But it was too late for millions of victims. Too late for the six million Jews. Too late for the 1.5 million Armenians.

Today we recall the Armenian Genocide and we mourn its victims. We also pledge that we shall do everything we can to protect the Armenian nation against further aggression; in the Republic of Armenia, in Nagorno-Karabagh, or anywhere else.

Unfortunately, there are some who still think it is acceptable to block the delivery of U.S. humanitarian assistance around the world. Despite overwhelming international condemnation, Azerbaijan continues its blockade of U.S. humanitarian assistance to Armenia.

It is tragic that Azerbaijan's tactics have denied food and medicine to innocent men, women, and children in Armenia, and created thousands of refugees. The U.S. must stand firm against any dealings with Azerbaijan until it ends this immoral blockade. We must make clear that warfare and blockades aimed at civilians are unacceptable as means for resolving disputes.

Mr. Speaker, after the Genocide, the Armenian people wiped away their tears and cried out, ''Let us never forget. Let us always remember the atrocities that have taken the lives of our parents and our children and our neighbors.''

As the Armenian-American author William Saroyan wrote, ''Go ahead, destroy this race . . . Send them from their homes into the desert . . . Burn their homes and churches. Then see if they will not laugh again, see if they will not sing and pray again. For, when two of them meet anywhere in the world, see if they will not create a New Armenia.''

I rise today to remember those cries and to make sure that they were not uttered in vain. The Armenian nation lives. We must do everything we can to ensure that it is never imperiled again.

Mr. GILMAN. Mr. Speaker, at this time of year the descendants and relatives of those Armenians who died in the series of deportations and executions organized by the Turkish Ottoman Empire during the First World War gather at ceremonies across America to honor those victims' memory.

I am pleased to join in this special order today, organized to commemorate those who died in that series of brutal programs and attacks—the effects of which were tantamount to a campaign of genocide.

Although those who died in those tragic and violent days did not live to see it, the Armenian nation has now re-emerged, despite the terrible loss of life that has been suffered under the Ottoman Empire and the eight decades of communist dictatorship under the former Soviet Union.

Today, the independent state of Armenia stands as clear proof that indeed the Armenian people have survived the challenges of the past—and will survive the challenges of the present and future as well.

Mr. Speaker, as we today honor the memory of those who lost their lives long before the Armenian nation regained its independence, let us today look forward to that day when the new, independent Republic of Armenia and its people will live in peace with their neighbors—a peace that will never see Armenian men, women and children subjected to the horrors and atrocities their ancestors experienced eighty years ago.

Mr. VISCLOSKY. Mr. Speaker, I rise today to commemorate the 83rd anniversary of the Armenian genocide. As in years past, I am pleased to join my House colleagues on both sides of the aisle in ensuring that the terrible atrocities committed against the Armenian people are never repeated.

The event we come together to remember began on April 24, 1915, when over 200 religious, political, and intellectual leaders of the Armenian community were brutally executed by the Turkish government in Istanbul. By the time it ended in 1923, this war of ethnic genocide against the Armenian people by the Ottoman Empire claimed the lives of over half the world's Armenian population—an estimated 1.5 million men, women, and children.

Sadly, there are some people who still question the fact that the Armenian genocide even occurred. History is clear, however, that the Ottoman Empire engaged in a systematic attempt to destroy the Armenian people and their culture. The U.S. National Archives contain numerous reports detailing the process by which the Armenian population of the Ottoman Empire was systematically decimated. That is one of the reasons we come together every year at this time: to remind the world that this event did indeed take place and that we must remain forever vigilant in our efforts to prevent all such future calamities.

I am pleased to report that a strong and vibrant Armenian-American community thrives in my district in Northwest Indiana. My predecessor in the House, the late Adam Benjamin, was of Armenian heritage, and Northwest Indiana's strong ties to Armenian continue to flourish. Over the years, members of the Armenian-American community throughout the United States have contributed millions of dollars and countless hours of their time to various Armenian causes. Of particular note are Mrs. Vicki Hovanessian and her husband, Dr. Raffi Hovanessian, residents of Indiana's First Congressional District, who have worked to improve the quality of life in Armenian, as well as in Northwest Indiana. Two other Armenian-American families in my congressional district, Heratch and Sonya Doumanian and Ara and Rosy Yeretsian, have also contributed greatly toward charitable works in the United States and Armenia. Their efforts, together with hundreds of other members of the Armenian-American community, have helped to finance several important projects in Armenia, including the construction of new schools, a mammography clinic, and a crucial roadway connecting Armenia to Nagorno Karabagh.

The Armenian people have a long and proud history. In the fourth century, they became the first nation to embrace Christianity. During World War I, the Ottoman Empire was ruled by an organization, known as the Young Turk Committee, and became allied with Germany. Amid fighting in the Ottoman Empire's eastern Anatolian provinces, the historic heartland of the Christian Armenians, Ottoman authorities ordered the deportation and execution of all Armenians in the region. By the end of 1923, virtually the entire Armenian population of Anatolia and western Armenia had been either killed or deported.

While it is important to keep the lessons of history in mind, we must also remain eternally vigilant in order to protect Armenia from new and more hostile aggressors. Even now, as we rise to commemorate the accomplishments of the Armenian people and mourn the tragedies they have suffered, Turkey and other countries are attempting to break Armenia's spirit by engaging in a debilitating blockade against this free nation.

That is why two years ago, I led the fight in the House of Representatives to free Armenia from Turkey's vicious blockade by offering an amendment to the Fiscal Year 1997 Foreign Operations appropriations bill. Under current law, U.S. economic assistance may not be given to any country that blocks humanitarian assistance from reaching another country. Despite the fact that Turkey has been blocking humanitarian aid for Armenia for many years, the President has used his waiver authority to keep economic assistance for Turkey intact. My amendment, which passed in the House by a bipartisan vote of 301–118, would have prevented the President from using his waiver authority and would have cut off U.S. economic aid to Turkey unless it allowed humanitarian aid to reach Armenia. Unfortunately, my amendment was not included in the final version of the Foreign Operations appropriations bill and the Turkish blockade of Armenia continues unabated.

Mr. Speaker, I would like to thank my colleagues, Representatives JOHN PORTER and FRANK PALLONE, for organizing this special order to commemorate the 83rd anniversary of the Armenian genocide. Their efforts will not only help to bring needed attention to this tragic period in world history, but also serve as a reminder to remain vigilant in the fight to protect basic human rights and freedoms around the world.

Mr. COSTELLO. Mr. Speaker, I rise today to commemorate the Anniversary of the Armenian Genocide. April 24th, 1915, is solemnly recalled by the people of Armenia and Armenian-Americans as the beginning of a long-term, organized deprivation and relocation of a people from their homeland. Eighty-three years later, we mark this date to remember the beginning of this systematic elimination of Armenian civilians, which lasted for over seven years. By 1923, 1.5 million Armenians had been massacred and 500,000 more deported.

Thousands of Armenian-Americans reside in my congressional district, and each year they mark this date to commemorate this anniversary and remember those who were lost. April 24th, 1915, marked a day when thousands of Armenian intellectual, religious and political leaders were arrested in Constantinople and deported or murdered. Today, we reflect on the massive destruction of property, freedom and dignity of those Armenians who were deported or killed under the Ottoman empire. We honor their memory and vow that such deprivation will never happen again.

Mr. Speaker, we also mark this date to celebrate the contributions of millions of Armenians and Armenian-Americans since that awful time. As we continue to strengthen our bonds with the Armenian people, we must be vigilant about remaining a strong friend of Armenian democracy through U.S. foreign policy. It is important for those of us in the Congress to continue to speak out in favor of Armenian human rights and free trade.

I urge my colleagues to join me in commemorating this solemn anniversary.

Mrs. MORELLA. Mr. Speaker, I am pleased to join with my colleagues here today in commemorating the 80th anniversary of the Armenian genocide. I want to thank my colleagues, Mr. PORTER and Mr. PALLONE, for their work in organizing this tribute.

This observance takes place every year on April 24. It was on that date in 1915 that more than 200 Armenian religious, political, and intellectual leaders were arrested in Constantinople and murdered. Over the next eight years, persecution of Armenians intensified, and by 1923, more than 1.5 million had died and another 500,000 had gone into exile. At the end of 1923, all of the Armenian residents of Anatolia and Western Armenia had been either killed or deported.

The genocide was criticized at the time by U.S. Ambassador Henry Morgenthau, who accused the Turkish authorities of ''giving the death warrant to a whole race.'' The founder of the modern Turkish nation, Kemal Ataturk, condemned the crimes perpetrated by his predecessors. Yet this forthright and sober analysis has been spurned by Turkey and the United States during the last decade.

The Intransigence of this and prior administrations to recognizing and commemorating the Armenian genocide demonstrates our continued difficulty in reconciling the lessons of history with realpolitik policies; that is, those who fail to learn the lessons of history are condemned to repeat it. We have seen continually in this century the abject failure to learn and apply this basic principle. The Armenian genocide has been followed by the Holocaust against the Jews and mass killings in Kurdistan, Rwanda, Burundi, and Bosnia. Many of these situations are ongoing, and there seems little apparent sense of urgency or moral imperative to resolve them.

Commemoration of the Armenian genocide is important not only for its acknowledgement of the suffering of the Armenian people, but also for establishing the historical truth. It also demonstrates that events in Armenia, Nazi Europe, and elsewhere should be seen not as isolated incidents but as part of a historical continuum showing that the human community still suffers from its basic inability to resolve its problems peacefully and with mutual respect.

I hope that today's remarks by Members concerned about Armenia will help to renew our commitment, and that of all of the American people, to opposing any and all instances of genocide.

Mr. FARR of California. Mr. Speaker, I rise today with respect to a tragic—and, unfortunately, still largely unknown—event in world history. Eighty-three years ago, the Armenians

of Ottoman Turkey became the victim of a comprehensive government-sponsored campaign of persecution which, after eight terrible years, left dead or deported some two million Armenian men, women, and children.

From 1915 to 1923, Turkish Armenians were executed. Tortured, and put into forced labor, solely because of their ethnic heritage. The human costs were terrible and enormous. Over one million Armenians died as a result of the genocide, and hundreds of thousands of others became refugees. One statistic is especially telling: Over 2.5 million Armenians lived in Ottoman Turkey before the genocide began; today, less than 80,000 remain.

Although the lives that were lost as a result of the genocide can never be returned, we must never forget what befell the Armenians of Ottoman Turkey solely because of their ethnicity. We must remember, not only in the honor of their memories, but so that future generations understand the terrible effects of bigotry and ethnic hatred.

When isolated incidents of persecution are tolerated, or when politicians gain from supporting ethnic persecution, the consequences can be terrible. We must therefore never tolerate discrimination in any form. We must also remember that such tragic events can happen again when the world community ignores the warning signs before it is too late.

I join Armenian-Americans and others in commemorating the terrible events of eighty-three years ago, and urge that we work to protect the human rights of all people around the world, so that we may prevent such a terrible tragedy from ever happening again.

Mr. DOOLEY. Mr. Speaker, I rise today to join my colleagues in commemorating the 83rd Anniversary of the Armenian Genocide.

This terrible human tragedy must not and will not be forgotten. Like the Holocaust, the Armenian Genocide stands as a historical example of the human suffering that results from hatred and intolerance.

One and one-half million Armenian people were massacred by the Ottoman Turkish Empire between 1915 and 1923. More than 500,000 Armenians were exiled from a homeland that their ancestors had occupied for more than 3,000 years. A race of people was nearly eliminated.

However, great the loss of human life and homeland that occurred during the genocide, a greater tragedy would be to forget that the Armenian Genocide ever happened. To not recognize the horror of such events almost assures their repetition in the future. Adolf Hitler, in preparing his genocide plans for the Jews, predicted that no one would remember the atrocities he was about to unleash. After all, he asked, ''Who remembers the Armenians?''

Our statements today are intended to preserve the memory of the Armenian loss, and to remind the world that the Turkish government—to this day—refuses to acknowledge the Armenian Genocide. The truth of this tragedy can never and should never be denied.

This 83rd anniversary also brings to mind the current suffering of the Armenian people, who are still immersed in tragedy and violence. The unrest between Armenia and Azerbaijan continues in Nagorno-Karabakh. Thousands of innocent people have already perished in this dispute, and still many more have been displaced and are homeless.

In the face of this difficult situation comes an opportunity for reconciliation. Now is the time for Armenia and its neighbors, including Turkey, to come together, to work toward building relationships that will assure lasting peace.

Meanwhile, in America, the Armenian-American community continues to thrive and to provide assistance and solidarity to its countrymen and women abroad. Now numbering nearly 1 million, the Armenian-American community is bound together by strong generational and family ties, an enduring work ethic and a proud sense of ethnic heritage. Today we recall the tragedy of their past, not to place blame, but to answer a fundamental question, ''Who remembers the Armenians?''

Our commemoration of the Armenian Genocide speaks directly to that, and I answer. . . . We do.

Mr. BERMAN. Mr. Speaker, I rise to commemorate the 83rd anniversary of the start of the Armenian genocide, a period of tragic oppression and terrible suffering. On April 24, 1915, the Turkish government began to arrest Armenian community and political leaders. Many were executed without ever being formally charged with crimes. The following month the government deported most Armenians from Turkish Armenia, ordering that they resettle in what is now Syria. Many deportees never reached that destination. From 1915 to 1918, more than a million Armenians died of starvation or disease on long marches, or were massacred outright by Turkish forces. From 1918 to 1923, Armenians continued to suffer at the hands of the Turkish military, which eventually removed all remaining Armenians from Turkey.

We mark this anniversary of the start of the Armenian genocide in part because this tragedy for the Armenian people was a tragedy for all people. Genocide is not an ancient act, it is a horror which we must daily renew our commitment to prevent. If we do not remember, we will be condemned to witness such atrocities again and again.

We should not be alone in remembering these events. We will know that humanity has progressed when it is not just the survivors who honor the dead but also when those whose ancestors perpetrated the horrors acknowledge their terrible responsibility and honor as well the memory of genocide's victims.

Sadly, we cannot say that such atrocities are history. The death last week of Pol Pot reminds us of Cambodia's ''killing fields'' in the 1970s, and we have only to recall this decade's mass ethnic killings in Bosnia and Rwanda to see that the threat of genocide persists. As President Clinton noted during his visit to Rwanda in March, the world community needs to do more to prevent genocide. We have not done so. We have not yet learned the lessons of this day.

We also remember this day because it is a moment for us to celebrate the contribution of the Armenian community in America to the richness of our character and culture. The strength they have displayed in overcoming tragedy to flourish in this country is an example for all of us. Their powerful example is moving testimony to the truth that tyranny cannot extinguish the vitality of the human spirit. To all who wish to remember and to praise Armenian Americans I recommend the recently published memoir by one of America's most important contemporary poets, Peter Balakian, whose book Black Dog of Fate is a powerful reminded of Armenian history.

Surrounded by countries hostile to them, to this day the Armenian struggle continues. But now with an independent Armenian state, the United States has the opportunity to contribute to a true memorial to the past by strengthening Armenia's emerging democracy. We must do all we can through aid and trade to support Armenia's efforts to construct an open political and economic system.

I urge all my colleagues to ponder on the history of this moment and honor the memory and the accomplishments of the Armenian people and join with me in efforts to aid Armenia today.

Mr. RADANOVICH. Mr. Speaker, I rise today to commemorate and remember the Genocide against the Armenian people. Between 1915 and 1923 the Ottoman Turkish Empire committed a horrible Genocide against the Armenian people. In a systematic and deliberate attempt to eliminate the Armenian people and erase Armenian culture and history, the Ottoman Turkish government committed this atrocity. As a result, over one and one-half million Armenians were massacred. The Armenian Genocide is a historical fact, and has been recognized by academicians and historians worldwide. The evidence is irrefutable and includes many eyewitness accounts, and statements from the U.S. Ambassador to Turkey at the time. Unfortunately, today's Turkish government is still persisting in their denial that the Armenian Genocide ever took place.

On April 24 each year Armenians around the world commemorate the anniversary of the Armenian Genocide. Commemoration activities will take place in Washington D.C., Los Angeles, New York, Armenia, and in my Congressional District in Fresno, California. Many commemoration activities are planned in Fresno and the San Joaquin Valley over the next several days. I have the honor of representing thousands of Armenian-Americans in California's Nineteenth Congressional District, and today I send them my most sincere condolences on this solemn occasion.

As a member of the Congressional Caucus on Armenian issues I have fought hard for aid to Armenia, aid to Nagorno-Karabagh, and other important issues. However, I am equally proud to be the author along with Rep. DAVID BONIOR, of H. Con. Res. 55 which would ''honor the memories of the victims of the Armenian Genocide.'' As well as having this Congress honor the memories of the victims, H. Con. Res. 55 also encourages The Republic of Turkey to do the same. This legislation calls on the government of Turkey to turn away from its denials of the Armenian Genocide, and instead, to openly acknowledge this tragic chapter in its history. By doing so, the Turkish government can help to raise the level of trust and relations between Armenia and Turkey and allow Armenians to begin the healing progress. I encourage my colleagues to vote for the passage of H. Con. Res. 55.

Remembering this Genocide against the Armenians will help ensure this type of tragedy is never allowed to occur again.

Mr. MARTINEZ. Mr. Speaker, I join my colleagues today in commemorating the 83rd anniversary of the Armenian Genocide. It has become a tradition for members to stand in the well of the House and pay tribute to the memory of the 1.5 million Armenians who were slaughtered by the Ottoman Turks from 1915 to 1923.

Mr. Speaker, April 24, 1915 represents a tragic day in the history of the Armenian people. It is a day that has left an indelible mark on the consciousness of mankind. Eighty-three years ago, the Ottoman Turks unleashed the forces of hatred upon Armenian men, women and children in a deliberate, calculated policy of extermination. On the night of April 24, 1915, the Ottoman Turks ruthlessly rounded up and targeted for elimination Armenian religious, political and intellectual leaders. So began one of the darkest chapters of the 20th century.

For eight bloody years a reign of terror ruled the daily lives of Armenians in the Ottoman empire. For eight long horrific years, Armenians were consumed by the fires of racial and religious intolerance. Tragically, by the end of 1923, the entire Armenian population of Anatolia and western Armenia had been either killed or deported.

On the eve of launching the Jewish holocaust, Adolph Hitler commented to his generals, ''who, after all, speaks of the Annihilation of the Armenians?'' Mr. Speaker, the members of the U.S. Congress speak of the Annihilation of the Armenians. We speak out today so that future generations of Americans will know the facts surrounding the first genocide of the 20th century. We observe this solemn anniversary, along with the Armenian-American community and the people of Armenia, so that no one will be able to deny the undeniable.

Many of the survivors of the Armenian Genocide established new lives in America, contributing their considerable talents and energy to the economic prosperity and cultural diversity of our great nation. Therefore, Mr. Speaker, it is with a sense of gratitude toward Americans or Armenian descent and a deep sense of moral obligation that I join my colleagues in honoring the memory of these fallen victims of genocide. They have not been forgotten.

EDUCATION IN AMERICA IS FACING CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, education in this country is facing a crisis. If we look at our schools carefully, we find out that there are a lot of drugs in our schools, actually murders occur in our schools, rape occurs in our schools, it is infested with teenage pregnancies. There is total disrespect for authority in many of our schools, and there is no good record to show that the academic progress is being made that is necessary.

The President happens to believe that if we have national testing, this will solve all our problems. And now he is addressing these very, very serious problems that we have in our schools with saying that if we can only get these kids not to smoke a cigarette, maybe we are going to solve these educational problems.

I would say that he is going in the wrong directions. These are serious problems and we must do something, but pretending that we are going to crack down on kids testing a cigarette, as bad as it is, is not going to solve our problems.

I have a couple suggestions to make on what we can do to improve the educational system. I have a bill that I introduced recently. It is H.R. 3626. It is called the Agriculture Education Freedom Act. This is a bill I think everybody in this body could support.

What it does, it takes away taxation on any youngster who makes some money at one of these 4–H or Future Farmers of America fairs. When they sell their livestock, believe it or not, we go and tax them. Just think of this. The kids are out there trying to do something for themselves, earn some money, save some money and go to school; and what do we do as a Congress, we pick on the kids, we go and we tax these kids.

I talked to a youngster just this past weekend in the farm community in my district, and he told me he just sold an animal for $1,200 and he has to give $340 to the U.S. Government. Now, what are we doing, trying to destroy the incentive for these youngsters assuming some responsibility for themselves? Instead, what do we do? We say the only way a youngster could ever go to college is if we give them a grant, if we give them a scholarship, if we give them a student loan. And what is the record on payment on student loans? Not very good. A lot of them walk away.

There is also the principle of it. Why should the Federal Government be involved in this educational process? And besides, the other question is, if we give scholarships and low-interest loans to people who go to college, what we are doing is making the people who do not get to go to college pay for that education, which to me does not seem fair. It seems like that the advantage goes to the individual who gets to go to college, and the people who do not get to go to college should not have to subsidize them.

I think it is unfair it pick on these kids. I think it is time that we quit taxing any youngster who makes some money at a 4–H fair or Future Farmers of America fair where they are selling their livestock and trying to earn money to go to college.

□ 1815

I think it is proper to say that they should have no taxation without representation. They are not even old enough to vote, and here we are taxing them. I mean that is not fair.

So I am hoping that I get a lot of cosponsors for this bill, because there sure are a lot of youngsters around the country trying to assume responsibility for themselves.

I do not believe for 1 minute the President's approach that we are going to assume that every kid is going to grow up to be a smoke fiend, and if we do not do something quickly, we are going to have them developing all these bad habits; at the same time, we see the deterioration of the public educational system.

Also, I would like to mention very briefly another piece of legislation that would deal with this educational crisis. The Federal Government has been involved in our public schools for several decades. There is no evidence to show that, as we increase the funding and increase the bureaucracy, that there has been any improvement in education. Quite to the contrary, the exact opposite has happened.

So I would say there is a very good practical case. I know the constitutional argument does not mean much. But the practical case is there is no evidence that what we have done so far has been helpful.

I have another piece of legislation that would give $3,000 tax credit to every family for every child that they want to educate by themselves. So if they would spend any money on their child, whether they are in school or out of school, in private school, at home schooling, they would get this $3,000 credit. I hope my colleagues will take a look at these two pieces of legislation.

COMMEMORATING THE 83RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, today is the sad and solemn day on which we remember one of the greatest tragedies that humankind has witnessed. Today marks the 83rd anniversary of the Armenian genocide, the first genocide of the 20th Century.

I have come to the floor of the House to acknowledge the atrocities suffered by the Armenian people at the hands of the Ottoman Turks. On April 23, 1915, over 200 Armenian religious, political, and intellectual leaders were massacred in Turkey. Little did anyone know that April 23rd, 1915, would signify the beginning of a Turkish campaign to eliminate the Armenian people from the face of the earth.

Over the following 8 years, 1½ million Armenians perished. And more than 500,000 were exiled from their homes. Armenian civilization, one of the oldest civilizations, virtually ceased to exist. Of course, that was the Turkish plan.

Unfortunately, the Armenian genocide is not as well known in history today as it should be. Little attention was paid to this tragic episode in history by the victorious allied powers at the end of World War I or by historians since.

Thus, ignored by many, the valuable lessons which might have been learned from this Armenian genocide went largely unnoticed. If more attention had been centered on the slaughter of

these innocent men, women, and children, perhaps the events of World War II, the Holocaust, might never have taken place.

As George Santayana reminds us, those who forget the past are condemned to repeat it. Perhaps this, above all, is the valuable lesson each of us must learn from the Armenian genocide.

As a result of the failure of some nations to acknowledge this horrible tragedy, the Turkish crimes have remained unpunished. An international court yet to condemn the holocaust of an entire nation, and this impunity has permitted the Turks to repeat similar crimes against the Greek inhabitants of Asia Minor, the Syrian Orthodox people, and, recently, people living in Cyprus.

However, despite the unmerciful efforts of the Turks, Armenian civilization lives on today. It lives on in the independent Republic of Armenia. And it lives on in communities throughout America, particularly from my home State of California.

Today, we honor the innocent Armenians who tragically lost their lives. Today, we acknowledge that the Ottoman Turks committed genocide against the Armenian people. Today, we demand that this undeniable fact be accounted for by the current leaders in Istanbul.

I look forward to the day when the world says in one united voice we remember the Armenian genocide. Until that day comes, I will continue to stand up here before the House of Representatives and remind all of us of our responsibility to learn from the past and our responsibility to prevent any such atrocities in the future.

COMMEMORATION OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. KNOLLENBERG) is recognized for 5 minutes.

Mr. KNOLLENBERG. Mr. Speaker, I join my colleagues in commemorating the Armenian genocide. I hope other Members of the House will join us in commemorating this 83rd anniversary.

The Oxford Dictionary defines the word ''genocide'' as, and I quote, ''the deliberate extermination of a people or a nation.'' When most people hear this word, they immediately think of Adolf Hitler and his persecution of the Jews during World War II.

Most individuals that you meet on the street are unaware that the first genocide of the 20th Century occurred during World War I, and was perpetrated by the Ottoman Empire against the Armenian people. The tactics utilized by the Ottoman Empire were every bit as brutal and deliberate as those used by Hitler.

Concerned that the Armenian people would move to establish their own government, the Ottoman Empire embarked on a reign of terror that resulted in the massacre of over a million and a half Armenians.

This atrocious crime began on April 15, 1915, when the Ottoman Empire arrested, exiled, and eventually killed hundreds of Armenians; the religious, the political, and the intellectual leaders.

Once they had eliminated the Armenian people's leadership, they turned their attention to the Armenians that were serving in the Ottoman army. These soldiers were disarmed. They were placed in labor camps where they were either starved or were executed.

The Armenian people, lacking any political leadership, then were deprived of all of the young able-bodied men who could fight against the onslaught, were then deported from every region of Turkish Armenia.

The images of atrocities endured by these men and women are as graphic and as haunting as the ones that are etched in our minds from the Holocaust. Why, then, are so many people unaware of the Armenian genocide? I believe the answer can be found in the international communities; response to this disturbing event. Simply put, the unspeakable crimes against the Armenian people were essentially ignored.

At the end of World War I, those responsible for ordering and implementing the Armenian genocide were never brought to justice, and the world casually forgot about the pain and suffering inflicted upon the Armenian people. This proved to be a grave mistake.

In 1939, in a speech before his invasion of Poland, Hitler justified his brutal tactics with the infamous statement, ''Who today remembers the Armenians.'' And 6 years after his speech, 6 million Jews have been exterminated by the Nazis. As has been repeated on the floor this evening already, never has the phrase, ''those who forget the past will be destined to repeat it,'' been more true and more applicable.

If the international community had spoken out against this merciless slaughtering of the Armenian people instead of ignoring it, the horrors of the Holocaust might never have taken place.

As we commemorate the 83rd anniversary of the Armenian genocide, I believe it is time to give this event its rightful place in history. That is why we gather tonight to honor the memories of the victims of the genocide that occurred 83 years ago.

So let us pay homage to those who fell victim to their Ottoman oppressors and tell the story of the forgotten genocide, the forgotten genocide. For the sake of the Armenian heritage, it is a story that must be heard, and it must be remembered.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. SCARBOROUGH) is recognized for 5 minutes.

(Mr. SCARBOROUGH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ARMENIAN GENOCIDE COMMEMORATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. MENENDEZ) is recognized for 5 minutes.

Mr. MENENDEZ. Mr. Speaker, as we have heard from some of our colleagues, we come again this year to the House floor to commemorate and pay tribute to the 1.5 million victims of the Armenian genocide. Some ask why 83 years later we continue this exercise. The answer in my mind is rather simple. By telling the history and evoking the names of the victims, we protect them and others who would willfully erase from history their lives and the tragic events which occurred between 1915 and 1923.

As with the Nazi Holocaust, the Irish Famine, and other atrocities, we have a responsibility to society to recount of the history of the Armenian genocide so that we do not forget its victims and so that we remember man's capacity to destroy others who differ in their opinions, their race, religion, or ethnicity.

Genocide is the most egregious of crimes. It is not a crime of passion or revenge, but of hate.

Since 1923, Turkey has denied the Armenian genocide, and there has been no justice, and no Nuremberg trials for the victims and the families of the Armenian genocide.

To those who continue to resist the truth, I can only believe that they had chosen to ignore the hard evidence or to indulge, to their shame, by ignoring the facts. Like the Holocaust, denying the Armenian genocide cannot erase the tragedy, the lives that were lost, or compensate for driving people from their homeland.

For the people of Armenia, the fight continues, particularly for those residing in Karabagh. I am hopeful that we will see the day when peace, stability, and prosperity are realized for the people of Karabagh, and for all Armenians.

For my part, I am hopeful that, through our continued efforts in the Congress, we can improve the lives of the Armenian people, continue to speak out for the human rights observers that, in fact, we hope for that part of the world, and continue to speak out against the atrocities that are continued to be committed by the Turkish Government. Certainly, we will continue to remember those who lost their lives and continue to commemorate this somber occasion.

Ralph Waldo Emerson tells us:

> The history of persecution is a history of endeavors to cheat nature, to make water run uphill, to twist a rope of sand. The martyr cannot be dishonored. Every lash inflicted is a tongue of fame; every prison a more illustrious abode; every burned book or house enlightens the world; every suppressed or expunged word reverberates through the earth from side to side. Hours of sanity and consideration are always arriving to communities as to individuals when truth is seen and martyrs are justified.

His words ring very true to us, Mr. Speaker, as we again commemorate the Armenian genocide.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. COYNE) is recognized for 5 minutes.

(Mr. COYNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PROPOSED SETTLEMENT FOR TOBACCO CONTROVERSY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Speaker, last summer, State attorneys general, representatives of health care groups, representatives from the White House, and the tobacco industry met to see if they could come up with a settlement of a tobacco controversy regarding teenage smoking.

After many hard hours of negotiation, and in fact, many days of negotiation, an agreement was reached, and the tobacco companies agreed that they would pay the sum of $368 billion every 25 years forever. In addition, they said that they would allow and agree that a health care agency, a third party, would set targets to reduce teenage smoking by a certain percent each year. If that target was not reached, the industry would pay $80 million for every one percentage point that the target was not met.

In addition, the industry agreed that it would pay $5 billion annually into a trust fund to take care of any court judgments obtained against the industry. In addition, the industry agreed that they would allow the Food and Drug Administration to regulate the tobacco industry, going far beyond the FDA regulations proposed by former FDA Commissioner David Kessler, in fact, going much further than had ever been recommended before. They agreed also that they would waive their constitutional right to advertise their product.

□ 1830

In addition they agreed, and this is really almost unheard of because every citizen in America has a right to petition the government, to lobby the government, but the industry agreed that they would also ban and eliminate the Tobacco Institute which was their lobbying arm.

They also agreed that, like today, any individual that is harmed by using a tobacco product would have the right to continue to sue the tobacco industry to obtain damages for any injuries that they suffered.

And so the health care groups, the State attorneys general, the White House, all of those groups received exactly what they wanted from the industry.

Now what did the industry want in return?

Well the industry said that they would simply like to have settled the 40 State lawsuits brought by State attorneys general under an innovative new legal theory of reimbursing States for Medicaid costs that they expended in treating Medicaid beneficiaries who received damages from using tobacco products, and that was agreed to. They said, ''Okay, we'll settle these lawsuits, and some of the $368 billion that the industry is going to pay every 25 years forever will go to the States.''

And so everyone left that settlement, and President Clinton said it was a great settlement, Vice President GORE said it was a great settlement, the tobacco industries were satisfied, the health care industries were satisfied, and even FDA Commissioner Kessler said that it represents the single most fundamental change in the history of tobacco control in any Nation of the world.

But yet when the bill started moving through the Senate, the administration changed their views, the health care industry changed their views, David Kessler changed his view, and they became greedy, to put it very bluntly. They wanted more. They had this industry on the run; they wanted more. And so I think they lost sight of the original goal, to reduce teenage smoking. They now wanted to punish an industry.

And under the McCain bill the $368 billion that the industry agreed to pay every 25 years forever went to $506 billion every 25 years forever. If the industry missed the targeted reduction, instead of paying $80 million per percentage point, they now under the McCain bill would be paying $240 million. And then, furthermore, the one thing that the industry received from it, immunity from these State lawsuits, they lost.

So it is not surprising that the tobacco industry said we are going to walk away from this agreement, and who could blame them really, because if the goal is to reduce teenage smoking there was plenty of money there. There was plenty of money to initiate programs to help teenagers reduce smoking. But as I said, people became greedy and they wanted to punish this industry, and so the whole thing has fallen apart.

And I would suggest to you today that the real problem facing teenagers is more the use of illegal drugs than tobacco.

I hope that we can retain some common sense and approach this problem to solve it, and I look forward to working with others in that effort.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. BARRETT) is recognized for 5 minutes.

(Mr. BARRETT of Wisconsin addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

(Mrs. MORELLA addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

DO NOT FORGET ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, like many of my colleagues, I rise today to remember the Armenian genocide of 83 years ago. We are asked why it is so important that we come to this floor and remember. We must remember to make sure that it never happens again, and we must remember because there is an organized effort to force us and convince us to forget.

Let us look back at the historical record. The American Ambassador to the Ottoman Empire was an eyewitness in 1919, and he recounts his discussion with Turkish authorities. He says in his memoirs, ''When the Turkish authorities gave the orders for these deportations they were merely giving the death warrant to an entire race. They understood this well and in their conversations with me made no particular attempt to conceal this fact.''

He went on to describe what he saw at the Euphrates River, and he said, as our eyes and ears in the Ottoman Empire in the year 1919 as a representative of the American government, ''I have by no means told the most terrible details, for a complete narration of the sadistic orgies of which they, Armenian men and women, are victims can never be printed in an American publication. Whatever crimes the most perverted instincts of the human mind can devise, whatever refinements of persecution and injustice the most debased imagination can conceive, became the daily misfortune of the Armenian people.''

As other speakers have pointed out, the first genocide of this century laid the foundation for the second genocide, and as a Jewish American I can never forget that 8 days before he invaded Poland Adolf Hitler turned to his inner circle and said, ''Who today remembers the extermination of the Armenians?'' The impunity with which the Turkish Government acted in annihilating the Armenian people emboldened Adolf Hitler to carry out the holocaust of the Jewish people.

And yet today there is an organized effort to expunge from our memory this genocide, and the focus is on the elites and academia.

I am a proud graduate of UCLA, and I would like to tell you a short story about my alma mater, for earlier this year and late last year UCLA considered the offer of over $1 million from the Turkish government, $1 million to be used to study Ottoman history, and

it is important indeed that we study the history and culture and language of Turkey. But this $1 million gift came with strings attached, strings designed to make sure that the person who sat in that chair at UCLA would be a person selected by the Turkish Government to begin the process of covering up and concealing the Armenian genocide.

Now I am proud of many things at UCLA. I was there when Bill Walton led us to an NCAA championship. But I was never prouder of my alma mater than when UCLA said ''no'' to the $1 million. And now that same $1 million is being floated in front of the University of California at Berkeley and other institutions. I hope that academic institutions from one coast to the other will join in unison in saying America's academic integrity is not for sale; $1 million, $10 million will not buy the prestige of American universities and enlist them in the goal of denying the Armenian genocide.

Likewise, it is time for the State Department to go beyond shallow, hollow reminders and remembrances of this day and to use the word ''genocide'' in describing the genocide of the Armenian people at the hands of the Ottoman Turks.

You know the United States plays a unique role in the world today. Never before in history has a single Nation not only been the sole superpower but then accepted by all the other nations in the world as the sole superpower. We hold that position uncontested because other nations have allowed us. They have not joined in some sort of anti-American alliance but rather are happy to see America as the world's superpower. Why? Because our foreign policy is guided by morality.

Mr. Speaker, never again, never forget.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

(Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REMEMBERING THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROGAN) is recognized for 5 minutes.

Mr. ROGAN. Mr. Speaker, Haig Baronian of Glendale, California in my district can recite history like few historians can. He has lived it. Last year he told the Daily News of Los Angeles that he had seen his mother pulled away, never to be seen again. The story he has to tell is like those echoed in history books, college classrooms and town halls across the Nation. However, he did not live in Bosnia, Uganda, Cambodia or Nazi Germany. As a child Haig lived in Armenia.

Between 1915 and 1923 over 1 million Armenians, who had inhabited their homeland since the time of Christ, were displaced, deported, tortured and killed at the hands of the Ottoman Empire. Families were split, homes were destroyed, lives were torn apart. In the years since, officials from what is now Turkey have dismissed these charges as a mere civil war. But men like Mr. Baronian tell a different tale, and today I ask my colleagues to join me in remembering his family and his neighbors, and to seek justice so that future generations will never again face tragedy at the hands of their own government.

Mr. Speaker, as their friends and family were killed before them, nearly a million managed to escape and build new lives in the United States. Of these, nearly 100,000 Armenians now live in the Los Angeles area. What is inspiring to me is witnessing their climb from tragedy to triumph as dedicated, informed and prosperous members of our community. And while the story of Armenians in America is truly a success story, an injustice to friends, neighbors and to history still remains.

Every April 24 we in Congress gather to recognize the contributions of Armenian Americans and to remember the Armenian genocide. As we look to a new century we must be mindful of our dual obligation both to diplomacy and to justice. Like my colleagues, I rise today in the interests of justice, to call on humanity to put to rest one of the darkest episodes in history.

Mr. Speaker, for 10 years the Ottoman Empire tried to strip the Armenian people of their dignity, their property and their lives. What they failed to do was rob them of their soul and their will to survive and prosper.

In recognition of Haig Baronian and his fellow Armenians, both at home and abroad, who suffered at the hands of the Ottomans, I ask my colleagues to join me and for Congress to commit itself to the interest of justice and to the cause of peace. I ask that we remember the past so, as we have been warned before, we shall not be condemned to repeat it.

□ 1845

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. GILCHREST) is recognized for 5 minutes.

(Mr. GILCHREST addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO NANCY OSTER, BARBIE DEUTSCH AND THE BREAST RESOURCE CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I rise today to pay tribute to a very brave woman from my district, Nancy Oster, and to a very special organization, the Breast Resource Center.

Nancy Oster is a survivor of breast cancer. As a survivor, she is an example and a symbol of courage and persistence. She was determined to do something about that life-changing event called breast cancer.

Another example of resolve and bravery, Barbie Deutsch, is in the gallery today. She is from my district, and I am honored to be speaking in her presence.

A few weeks ago, Nancy Oster came to visit me here in Washington while she was attending the celebration of survivors in conjunction with the Race For The Cure. Seeing her here, I was once again struck by her bravery and her caring nature, and energized by her commitment to the unique breast cancer collaborative community project that has emerged in Santa Barbara. And I want to pay tribute to that effort.

Nancy Oster is President of the Board of the Breast Resource Center of Santa Barbara. This organization came about after a group of women diagnosed with the disease found it very difficult to obtain critical and objective information.

Ideally, they wanted a friendly place where anyone impacted by a breast cancer diagnosis could come and find information about local and national resources, and also find access to what they described as a breast cancer grapevine. People who are willing to listen, to share experiences, and to offer a reassuring hand.

Their brainstorming session took place in 1996. Just 1 year later, the dreams of these courageous women came to fruition and the Santa Barbara Breast Resource Center was born. A cottage on Pueblo Street is the home for this special organization in Santa Barbara.

I have been at the cottage, and it is indeed a warm and inviting place. There is a pot of chicken soup on the stove; there is a little garden outside; there is access to the Internet. There are many books and pamphlets, comfortable couches, and most of all, caring and concerned people.

Dr. Susan Love, its medical director of the Breast Cancer Institute in Santa Barbara, serves as honorary chair of the Breast Resource Center. She was the driving force in the formation of this group, and in her words, information is power, which helps to dispel the fear and vulnerability of a breast cancer diagnosis. The Breast Resource Center provides the Santa Barbara community the access to that power.

The central coast of California is unique in that we have so much and such easily accessible support for those battling this disease. I hold Santa Barbara up as a model for communities all around the country. It provides wonderful resources for women who often feel like they have nowhere else to turn.

I am honored and humbled to be a partner in this effort and in this enterprise.

So, Mr. Speaker, I salute the Breast Cancer Institute, the Breast Resource Center, Nancy Oster, Barbie Deutsch, and all the other breast cancer survivors who carry on. They have taken what can be seen as a tragic circumstance and turned it into something real and something powerful. This is a community operating at its best, and I implore women all around the country to look to Santa Barbara and these special women for inspiration. I also implore those of us who are Members of this body, this House of Representatives, to take the inspiration of these women as motivation, as a call to action, to provide the resources to find a cure, resources for early diagnosis, for effective treatment.

We are partners with you, Barbie and Nancy, and those of you in the Breast Resource Center. I salute you, and I thank you for leading the way.

COMMEMORATION OF THE 83rd ANNIVERSARY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PORTER) is recognized for 5 minutes.

Mr. PORTER. Mr. Speaker, today I come to the floor again to commemorate the anniversary of one of the darkest stains on the history of Western civilization, the genocide of the Armenian people by the Ottoman Turkish Empire. I greatly appreciate the strong support of so many of our colleagues in this effort, especially that of the gentleman from New Jersey (Mr. PALLONE) my fellow cochairman of the Armenian Issues Caucus.

I commend the gentleman for arranging this evening and for his continued dedication to these vitally important issues.

Mr. Speaker, there is not a single Member here who wishes that we did not have to have this special order. We would like to believe that such a tragedy could have never happened, because it is painful to accept that man is capable of perpetuating and tolerating such atrocities. Unfortunately, however, we have seen over and over the tragic results of hatred and ignorance; the Holocaust, ethnic cleansing in the former Yugoslavia, the Rwandan genocide. And too often, the so-called civilized nations of the world have turned a blind eye.

On April 24th, 1915, over 200 Armenian religious, political, and intellectual leaders were arrested in Istanbul and killed, marking the beginning of an 8-year campaign, which resulted in the destruction of the ethnic Armenian community, which had previously lived in Anatolia, in western Armenia. Between 1915 and 1923, approximately 1.5 million Armenians were killed, and more than 500,000 were exiled.

The U.S. Government was aware of what was happening during these tragic years. The U.S. Ambassador to the Ottoman Empire, Henry Morgenthau, Sr., sent back graphic descriptions of death marches and mass killings. Other Western diplomats did the same.

Although the U.S. and others voiced concerns about the atrocities and sent humanitarian assistance, little was actually done to stop the massacres. The Armenian genocide was the first genocide of the modern age and has been recognized as a precursor of subsequent attempts to destroy a race through an official systematic effort.

We must call this what it was, genocide, and we must never forget that it happened. Congress has consistently demanded recognition of the historical fact of the Armenian genocide. Unfortunately, the same cannot be said for our executive branch.

The modern German Government, although not itself responsible for the horrors of the Holocaust, has taken responsibility for it and apologized for it. Yet the modern Turkish Government continues to deny that the Armenian genocide ever happened. Moreover, they have chosen to attack the messengers with smear campaigns and misinformation, rather than facing historical facts. A number of Members of Congress have been called names and accused of lying and treachery by the Turkish media for simply speaking the truth.

Turkish refusal to acknowledge historical facts fits the pattern of denial that, unfortunately, we have come to expect; denial of torture, denial of repression of minorities, denial of political repression, denial of high-level corruption.

Recently, however, some Turkish officials have realized that the only way Turkey can cement her position in the community of democratic nations is to admit these problems and deal with them.

There is finally a national dialogue in Turkey about these human rights abuses. I have yet, however, to witness a change in rhetoric about the Armenian genocide. I hope that the fact that Turkey and Armenia may begin direct bilateral discussions to improve relations will signal real substantive change.

Armenia and the Armenians will remain vigilant to assure that this tragic history is not repeated. The United States should do all it can in this regard as well, including a clear message about the historical fact of the Armenian genocide.

I call on President Clinton to have the courage to speak plainly about what happened 83 years ago. We do Turkey no favors by facilitating her self-delusion, and we make ourselves hypocrites when we fail to sound the alarm on the human rights abuses occurring in Turkey, a close American ally today.

Armenia has made amazing progression in rebuilding a society and a Nation, a triumph of the human spirit in the face of dramatic obstacles. Armenia is committed to democracy, market economics, and the rule of law, as evidenced by the recent peaceful free and successful Presidential elections.

The time has come to recognize the history of the region, to admit the truth of the Armenian genocide, and to bring the nations and peoples together to live in peace and with a commitment that never again will an atrocity such as this be allowed to occur.

TRIBUTE TO THE LATE HONORABLE BELLA ABZUG

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, along with the gentleman from New York (Mr. NADLER), I am due later to cosponsor a special order for Bella Abzug, who died last week. I will need to be in my district for an event, and wanted to offer these 5 minutes of commemoration at this time.

When I heard that Bella was dead, I immediately said something close to, ''Well, she can't die. She doesn't die. Bella doesn't do things like that.''

I think this was my spontaneous reaction, because Bella seemed to many of us incapable of dying. There was so much life there, we felt that by the time she was to die, there would simply be leftover life. In the permanence of the memory of her life and times there, of course, is leftover life.

Feminists will compete with the other great causes of Bella's time for entitlement to her energetic legacy, for Bella's feminism owed as much to her universal sense of justice as to her gender.

Bella has been called, ''The bravest, smartest, brightest progressive of our generation,'' and I think that the vote in the House where she served would not be close on that one. Civil liberties and the antiwar movement, civil rights and the environment, economic justice and the labor movement, Bella did not simply taste the great social movements of her time; she drank deeply, more often than not after being among the first to pour the energy into them that started their growth in the first place.

Every new movement needs a Bella. Few get them. The second feminist revolution got Bella, and Bella is just what feminism needed then. Women had been patronized and placated for so long in this country, they needed a woman who could not be ignored.

Bella of the Bronx, in case you had not noticed; Bella, daughter of the live-and-let-live meat market; Bella, who learned to live by the opposite credo; Bella was a force that spread through this House and has made it never the same since.

Then there were 10; now we are 55. Today we celebrated three new women

who bring us to 55 strong. Bella so filled the place, there must be some who cannot even tell that our numbers have grown since she left; so large was her impact that those three short terms beginning in 1970 seemed not to have ended.

After Bella left, she showed she did not need this House to have impact. While she was here though, she brought her causes to the House floor, and often made them law, from the resolution to withdraw from Vietnam introduced on her first day in the House, to her place as the first to call for the impeachment of Richard Nixon.

Make no mistake, Bella was a legislature par excellence and a procedural expert in this House. She coauthored the Freedom of Information Act and the Privacy Act, bringing into law her lifelong crusade against the excesses of the FBI and the CIA, and the prominent battle for which she will always be remembered, of course, the Equal Rights Amendment.

Once Bella got in, they could not get her out, so they redistricted her out. Her State came within 1 percent of getting her in the Senate, however.

For many women who serve in the House, Bella's place will always be in the House and in our hearts.

If the truth be told, however, Bella, the outsider, never came fully into this House or any part of the establishment. For public officials today, this capacity not to take your official self so seriously that you lose sight of the outside causes that sent you here in the first place may be the most valuable legacy of her service in this place.

If we remember only that part of her fact legacy, all of us who serve here will serve better, and all of us who seek to be better public servants shall have found in her an important guiding principle left over from Bella's abundant life.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. ESHOO) is recognized for 5 minutes.

(Ms. ESHOO addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

□ 1900

REMEMBERING THE GENOCIDE OF THE ARMENIAN PEOPLE

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, I, too, rise today to remember one of the most appalling events in human history, the genocide of the Armenian people.

It shames and saddens me to say that the human race is no stranger to genocide: the great purges in Russia, during which Stalin methodically killed millions of Russians; the Holocaust, in which 6 million Jews were systematically slaughtered by the Nazis; and less well known but certainly just as significant, the Armenian genocide, in which 1.5 million Armenians were exterminated by the Ottoman Turks.

I feel a special kinship to the Armenian people. As many know, I am of Greek descent and my ancestors, too, suffered at the hands of the Ottoman Turks. In fact, this past March 25, my colleague, the gentlewoman from New York (Mrs. CAROLYN MALONEY) and I conducted a special order to celebrate Greek Independence Day.

On that day, 177 years ago, the Greeks mounted a revolution which eventually freed them from the tyranny of the Ottoman Empire. Unfortunately, the Armenians were not as fortunate as their Greek brothers and sisters. Between 1915 and 1923, one and one-half million Armenians were murdered, and hundreds of thousands were driven from their homes by the Ottoman Turks.

Today I want to acknowledge this tragedy and remember those Armenians who lost their lives. As citizens of a Nation that celebrates the strength of its diversity, we should always remember those dark moments in history where people were persecuted because they were different.

Mr. Speaker, there is an unfortunate tendency to forget these horrific tragedies and bury them in the past. However, it is only through the painful process of acknowledging and remembering that we could keep similar dark moments from happening in the future.

I thank the gentleman from Illinois (Mr. PORTER) and the gentleman from New Jersey (Mr. PALLONE), the cochairs of the Congressional Caucus on Armenian Issues, for helping us do that.

THE CENSUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

THE ARMENIAN GENOCIDE

Mrs. MALONEY of New York. Mr. Speaker, I rise to put on the RECORD my statement on the Armenian genocide on its 83rd anniversary. As we stand here on the floor now, the Armenian National Committee is hosting a meeting with Members of Congress to remember the genocide and to take action to make sure that it becomes part of the history of the world and is recognized.

Mr. Speaker, I would like to take this opportunity to commend the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Illinois (Mr. PORTER), who are cochairs of the Armenian Caucus, for all of their hard work on this issue and other human rights issues.

Mr. Speaker, I want to talk about a very important point, and that is getting a fair and accurate census, one that counts every American.

There has been a lot of rhetoric about the Census Monitoring Board floating around. Once again, there has been little connection between that rhetoric and reality. I hope to set the record straight by discussing the facts of the situation and not the mythology the opponents of a fair census are trying to create.

Mr. Speaker, my colleagues who oppose a fair and accurate census, who repeatedly call for spending billions more to assure that the inaccuracies of the past are repeated, have criticized the President for appointing a couple of, and I use their quotes, ''political hit men'' to the Census Monitoring Board set up in the 1998 appropriations bill. These appointments, they claim, show that the President is really interested in politics, not in science.

The facts argue that just the opposite is true. The President has put forward a plan for the 2000 Census based on science, not politics. The opponents of that plan know they cannot win a debate on the merits, so they have tried to smear the President and the Census Bureau with innuendo.

The President appointed politicians to the Census Monitoring Board because, from the outset, it has been clear that the board was a political entity. The President appointed politicians to counter the politicians appointed by the Republicans. It is clear that, from the beginning, the new leadership intended this board to be political.

Let us look at the facts. When the board first appeared in language drafted by the Republican leadership during the negotiations over the 1998 budget, it had four Republican appointees and just two Democratic appointees. That sounds rather partisan and slanted to me. At the same time, they tried to give the board subpoena power, congressional printing authority, and a host of other functions. In fact, they designed the board to look very much like a House committee, where they could control the rules of the game. In other words, they tried to create a political entity.

We are fortunate that the President refused to accept such a blatantly partisan board. Even after the President forced the Republican leadership to accept a board that had four Republican appointees and four Democratic appointees, the Republican leadership wanted the board to operate with a quorum of four.

Mr. Speaker, I would like Members to stop and think about what that means. A quorum of four would allow the four Republican appointees to meet without including a single Democrat. Is that partisan? Does that tell us what their agenda is? I think it does.

The Republican leadership at every turn has signaled that this monitoring board is nothing but a political entity. The President has responded to these signals in the only rational way possible. When the Speaker of the House and the Majority Leader of the Senate appointed board members with political rather than scientific credentials, the President did likewise.

What is different is that the President has a strong record on the science of this issue, and the Republican leadership does not. The President called on the National Academy of Sciences for advice. The Republican leadership has ridiculed the Academy as political because it does not like their scientific judgment. The President continues to seek the advice of experts through the National Academy of Sciences and through advisory committees. The Republican leadership continues to fret about what a fair and accurate census might do to their attempts to manipulate the redistricting process.

Right now, the Census Monitoring Board is a political entity because the Republican leadership made it that way. But it does not have to continue in that vein. Let me put forward four principles that, if adopted, could make the monitoring board a bipartisan operation.

First, all personnel hired to work for the monitoring board other than the executive directors, have to be hired with the agreement of both executive directors.

Second, all work done by board employees has to be approved by both executive directors.

Third, any press release, publication, or statement attributed to the board has to have the approval of both chairs before released.

Fourth, any funds expended by the board have to be approved by the two chairs.

If the Republican appointees on the Board will agree to these four principles, the board can proceed in a bipartisan manner.

If they refuse to agree with these principles, it is a clear indication that their agenda is to conduct partisan political activities and try to use the monitoring board to legitimize their partisan agenda.

I ask the Chairman of the Census Subcommittee to join me in calling for the Census Monitoring Board to accept these four principles.

His willingness to join me in supporting these principles will also send a signal that he too is interested in fact and not fiction.

LET US REMEMBER THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, as we near the dawn of a new millennium, many people have begun reviewing the events of the past 1,000 years. In the year 1000, Europe was only just beginning to rise from the Dark Ages, but the advances of the enlightenment were still centuries away. Life was still brutish and short, marked by random violence and terrible purges from time to time. We like to look at history and see a steady improvement in the condition of mankind. We would prefer to believe that humanity today bears little resemblance to the near barbarism that marked the last millennial change.

Sadly, as we narrow our focus and look back at the 20th century, we see that many of the horrors that marked the 10th and 11th centuries still exist in our world. This century has seen horrors on a scale that even the cruelest leaders of the beginning of this millennium could not have imagined. More than 100 million people have been savagely murdered in this century. It is disheartening that many in the present day continue to hide or diminish these events of sheer terror.

In our lifetime, we have seen the genocide of Stalin, of Mao, of Hitler, of Pol Pot, and a large number of lesser known despots; the Nazi Holocaust against the Jews.

The practice of genocide certainly was rooted in the efforts of the Turks to destroy the Armenian people 83 years ago. At that time, the Ottoman Empire began a movement that would ultimately kill more than 1.5 million Armenians, and it left deep scars upon those who survived, scars that continue to exist today.

What is so disheartening is that not only did this awful travesty occur but today the effort to cover it up or diminish this awful event continues. Mankind is capable of forgiveness, but it requires an acknowledgment by the guilty party of that guilt and a desire for contrition. Unfortunately, the government of Turkey wants to escape its guilty by blaming the Ottomans and has made no effort at reconciliation.

Mr. Speaker, Turkey not only denies responsibility for its past action but has continued efforts to cause hardship in Armenia by blocking U.S. assistance from reaching Armenia and generally trying to obstruct closer relations between the United States and Armenia. Turkey is our ally and has helped further the security of the United States and Europe. It would be unfair to leave this unacknowledged. But it would also be unfair to ignore a serious issue that does affect our mutual relations.

By accepting its responsibility, Turkey can help show that, while horrible events still take place, mankind has advanced to the point that we acknowledge and atone for these awful actions.

Mr. Speaker, I want to extend my appreciation to the Members of this body who have done so much to prevent the world from forgetting the atrocities of 83 years ago, and to the many Armenian American organizations throughout the Nation, and in particular California, for their good work on behalf of the Armenian American community and to foster closer ties between the United States and Armenia.

Let us remember. Let us never forget.

RECOGNIZING THE SACRIFICE OF THE CREW OF THE U.S.S. INDIANAPOLIS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, today several of my colleagues and I join 12-year-old Hunter Scott in his outstanding efforts to correct an injustice dealt to the skipper and crew of a World War II battle cruiser. The U.S.S. *Indianapolis* was torpedoed and sunk just before the end of the war, in the U.S. Navy's worst disaster at sea.

Hunter Scott, a 7th grader at Ransom Middle School of Cantonment, Florida, researched the story of the U.S.S. *Indianapolis* as a school history project. This week, today, he came to Washington to ask Congress to exonerate Charles McVay, the ship's captain, who was court-martialed for the loss of the ship.

Hunter has been able to do what adults have been unable to do for 53 years. He has drawn attention to the story of the *Indianapolis*, and now we are preparing to give the crew and captain of the ship the recognition that they so rightfully deserve.

The U.S.S. *Indianapolis* was sunk by a Japanese submarine in 1945 after delivering the components of the atom bomb to Tinian Island in the Pacific. Only 316 of the 1,916 soldiers who served on the U.S.S. *Indianapolis* survived to be rescued.

The crew was adrift at sea without lifeboats, food, or water for 4½ days. More than 500 were eaten by sharks or succumbed to injuries or the elements. During this time, the failure of the ship to arrive in port at the Philippines went totally unnoticed. The ship's Captain, Charles B. McVay III, was convicted in a 1946 court-martial. He was the first U.S. naval officer ever to be tried and convicted following the loss of his ship in combat. McVay committed suicide in 1968.

Captain McVay's conviction was based on the fact that he failed to zigzag the ship, but his superiors never gave him information that a Japanese submarine was patrolling the area. In addition, the Japanese captain of the submarine said before the trial that he would have sunk the ship even if it had been zigzagging.

Evidence suggests that the Navy made McVay a scapegoat for the embarrassing loss of the ship and tragic death of most of the crew. Because McVay's court-martial severely tarnished the ship's reputation, the crew of the *Indianapolis* has gone without recognition for 53 years.

Today, my colleague and I introduced legislation to reverse this injustice to Captain McVay and the crew of the U.S.S. *Indianapolis.* The enactment of the bill would exonerate Captain McVay of the responsibility for sinking the U.S.S. *Indianapolis.* It would express the sense of Congress that the court-martial conviction of McVay was a grave injustice. It urges the President to grant a posthumous pardon to Captain McVay and expresses the sense of Congress that the President not only award a Presidential Unit Citation to the crew of the U.S.S. *Indianapolis* in recognition of their courage and fortitude but it waives any time limit applicable to such a situation.

Twelve of the survivors of the sinking of the U.S.S. *Indianapolis* came to

Washington to join Hunter in his crusade. After the ship sank, they endured almost 5 days adrift in shark-infested waters, where two-thirds of their shipmates perished from shark attacks, hunger, thirst, and exposure.

Let us, at long last, understand that justice delayed is justice denied and recognize in a very patriotic fashion the kind of sacrifices that were rendered at that particular time.

□ 1915

The Walt Disney Channel on Sunday has a very special and unique presentation about the *U.S.S. Indianapolis.*

The SPEAKER pro tempore (Mr. WELDON of Florida). Under a previous order of the House, the gentleman from California (Mr. COX) is recognized for 5 minutes.

(Mr. COX of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. KLINK) is recognized for 5 minutes.

(Mr. KLINK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

(Mr. KINGSTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE THIRD CONGRESSIONAL DISTRICT OF MASSACHUSETTS REMEMBERS ARMENIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, last year on April 25th, 1997, I attended a remembrance for the 1½ million men, women, and children who were persecuted by the Turkish Ottoman government and who perished during 1915 to 1923. The commemoration, held at the Worcester City Hall in Worcester, Massachusetts, honored the 60 survivors of the Armenian Genocide who are still living and residing in the Third Congressional District of Massachusetts. I had the privilege of meeting 14 of them, and nothing I can express will ever compare to their words or memories.

In the past year I have had the privilege to meet with many Armenian Americans in discussions not only about Armenia, but also on how to strengthen our communities, our schools, our health care, and the welfare of our children. I have learned a great deal from the Armenian community in central Massachusetts and I hope that they will continue to share with me their views and their insights.

I also had the opportunity to spend a memorable afternoon at the Armenian Youth Federation Summer Camp in Franklin, Massachusetts, also in my district. There I met and spoke with young Armenian Americans who come to this camp from all around the country. It is clear that the sons and daughters of Armenian heritage will continue to speak about their family's history and tragedy, and they will greatly enhance life in America with their spirit, intelligence and humor.

It is as much out of my respect for them, these young people, that I feel privileged to add my voice to today's commemoration of the Armenian Genocide.

Every year we gather not just to honor and commemorate the victims, but to stand witness and declare that we will never forget this horrific tragedy. What happened during those years was more than just a series of massacres carried out by the Turkish Government during a time of instability, revolution and war. Whole communities were wiped off the face of the map. Over 1½ million men, women, and children were deported, forced into slave labor, tortured and exterminated by the Ottoman Government of Turkey.

It was deliberate. Millions of Armenians were systemically uprooted from their homeland of 3,000 years and eliminated through massacres and exile. It was a carefully executed plan of extermination. It was the first example of genocide in the 20th century, and it was the precursor to the Nazi Holocaust and the other cases of ethnic cleansing and mass extermination that are the nightmares that haunt and characterize our own times.

Unlike Germany, the Government of Turkey, however, has never acknowledged its attempted annihilation of Armenians. Instead, successive Turkish governments have engaged in a global campaign of denial and historical revisionism.

Mr. Speaker, this is why we must remember, why we must always remember. This is why we must speak out, why we must always speak out. To forget history dishonors the victims and the survivors of the Armenian Genocide, and it encourages tyrants everywhere to believe that they can kill with impunity.

Over 30 nations, from Australia to Russia to Lebanon, have adopted resolutions officially recognizing the Armenian Genocide. Earlier this month the Senate in Brussels, Belgium, approved a resolution recognizing and commemorating the Armenian Genocide.

Mr. Speaker, as an American and a Member of Congress, I am profoundly angry that the United States of America has yet to recognize the actions taken by the Turkish Government between 1894 and 1923 as acts of genocide against the Armenian people. What other name could we possibly give to actions that reduced the Armenian population in the Ottoman Empire from 2,500,000 souls at the beginning of World War I to the fewer than 80,000 who remain today inside of Turkey? Yet every year the administration fails to acknowledge that a genocide took place in order to appease our Turkish allies.

As a Member of the Congressional Caucus on Armenia, I am a proud cosponsor of H. Con. Res. 55, legislation that honors the victims and survivors of the Armenian Genocide, and calls upon the United States Government to recognize the genocide and encourage the Republic of Turkey to acknowledge and commemorate the atrocity carried out against the Armenian people.

As a Member of that caucus, I work with my congressional colleagues to strengthen support and assistance to the people of Armenia; to support the Democratic process and elections recently held in Armenia; and to support and aid the Armenians of Nagorno-Karabagh who must daily confront the hostility and violence of Azerbaijan and the threat of another genocide.

Mr. Speaker, on behalf of the 1,400 Armenian families who reside in my district, I will continue to work and speak on these issues in the 105th Congress. I will continue to honor the memory of the survivors of the Armenian Genocide, and I will continue to work for the freedom and human rights of Armenians everywhere.

I thank my colleagues, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Illinois (Mr. PORTER), for their leadership on Armenian issues and for coordinating these special orders today.

CRISIS IN AMERICAN EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MCCOLLUM) is recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Speaker, last Sunday, April 19th, there appeared on the front page of the Orlando Sentinel, my hometown newspaper, an extraordinary article with an extraordinary insight into the nature and the scope of the problem with public education that we are facing in the United States.

I think that this is an article which should be read by all of our colleagues, and I call it to our colleagues's attention.

I also at this time, so that I do not forget to do it later, although I am going to be referring to this liberally, would like ask that the entire text of this article and the accompanying text of a teacher's diary, an insert on the front page of this newspaper, be introduced into the RECORD following my remarks today.

Mr. Speaker, back a couple of years ago, the Florida legislature passed a law requiring that every student who graduates from high school in the State of Florida had to have a 2.0 average throughout their high school studies. A 2.0 on a four-point scale means a

C average. My colleagues might be surprised to learn that somebody would have to have a C average to graduate. Before that they only had to have a 1.5, and my colleagues would not believe the uproar that it has caused in our school system, but it has.

At exactly the same time the legislature said we are also going to say that what counts for C is a 70 on a scoring sheet of paper when students take a test, no longer a 65. So they have to have a 70 get a C and they have to have a C average to graduate.

Here is what this newspaper article found after a year or so of operation of this law. This article entitled, ''Thousands continue to fall short,'' by Mike Berry says,

First semester grades for the Class of 2000 are in and they show that a third of central Florida's sophomores are in serious trouble and on a path that would keep them from graduating. Schools have been struggling for a year and a half to find ways to rescue these kids. But the latest grades show that very few have been able to turn things around. More than 7,000 students remain on the brink of failure. If that weren't bad enough, the new freshman class is doing worse than last year's freshmen. More than 11,000 kids have D or F averages. That's 40 percent of the class.

The article goes on to say that,

At Leesburg High, Principal Wayne McLeod expects half of his freshman class to drop out. A large number of them have a special problem: They cannot read. Many simply cannot fathom the concept of a textbook. Forty percent of the freshmen are years behind where they should be.

Berry goes on to say,

These kinds of problems are not new. The truth is that schools have been graduating kids who can't read for years. In Florida, one of every four freshmen entering a college or a university needs some kind of remedial help. And though educators and legislators have been talking about the 2.0 rule for a couple of years, there still is no comprehensive plan for a way to turn things around. That is being left up to individual schools. At the district level, officials only now are starting to talk about overall strategy.

Last year you could have filled the lower bowl of Orlando Arena with Central Florida freshmen who couldn't make a 2.0. This year, the first that the rule applies to every student, you could fill the entire arena and still leave another 6,000 standing outside.

''Students who earn more than 24 credits can drop their lowest grade'' in some of these schools, Berry says. ''There are classes without tests. There are sessions where kids get one-on-one attention.'' But regardless of what the teachers do, these kids still don't have a 2.0 average.

The question he poses is: Who is to blame for this? And we can go through a lot of hand-wringing. Obviously, we know there are problems with the schools themselves, but there are also problems with the kids and there are problems with the parents and their involvement.

''Regardless of what teachers do, too many kids,'' he says, ''care only about their lives outside the classroom. One Oak Ridge math teacher, Cherry Jones, struggles to teach multiplication, only to hear kids respond, 'Why? I've got a calculator.''' And another surprise these days is the attitude of some parents. They don't care either.

But, Mr. Speaker, I thought the most interesting point of all about this came from a diary that accompanied this text and this article by an English teacher in Central Florida, and I am just going to quote a little bit of what she had to say. This is one day's entry.

Today I gave a test. As always, the students were allowed to use their notes. The way I see it, I serve them better by honing their note-taking and comprehension skills as opposed to memorization skills. I have been giving open-note tests since day one.

Even so, every time I lecture I have to remind them to copy what I write on the board. They have been in class for 150 days. When will they catch on that it will be beneficial to have notes?

Last week I put a note on the board about when the test would be. Every day since, I reminded them. Yesterday, I gave them a list of topics that would be covered. Last night I put a reminder on my homework hotline.

Apparently, I speak a different language than they do because a quarter of them came in this morning and said, ''We have a test today? You didn't tell us we had a test today! Can we use our notes?''

Now it's 8 o'clock and I've just finished grading the test. My spouse has gone into the other room, tired of hearing me yell, ''How many times did we go over this?'' as I drew a line through another wrong answer.

More frustrating than the students who answered incorrectly were the ones who don't even attempt an answer.

We have got a major problem with education in this country this is only illustrative of this problem, but I commend my colleagues to read the whole text of this article and the diary because it does give an insight we do not get anywhere else.

[From the Orlando Sentinel Online]

THOUSANDS CONTINUE TO FALL SHORT

(By Mike Berry)

First-semester grades for the Class of 2000 are in and they show that a third of Central Florida's sophomores are in serious trouble and on a path that would keep them from graduating.

Schools have been struggling for a year and a half to find ways to rescue these kids. But the latest grades show that very few have been able to turn things around. More than 7,000 students remain on the brink of failure.

If that weren't bad enough, the new freshman class is doing worse than last year's freshmen. More than 11,000 kids from five Central Florida counties have D or F averages. That's 40 percent of the class.

Under standards that applied to most freshman for the first time last year, these kids will need C averages to graduate.

Florida's get-tough standards

The reality is that they cannot meet the most basic standards. Despite numerous remediation programs, schools just don't know how many kids will graduate.

Number of Students below 2.0 GPA at the end of the first semester '97–'98

Last year, educators in large part were talking the company line: If you raise the bar, the kids will meet it.

But the numbers are daunting. There is great uncertainty. More teachers and administrators are acknowledging how tough things really are.

Here are some of the signs:

In 23 of 39 Central Florida public high schools, the percentage of incoming freshmen making D's and F's increased this year. At 19 schools, more than 40 percent of freshmen can't muster a 2.0 on a 4.0 grading scale. At four of those schools, half of the freshman class can't cut it.

In Lake County, where four of every 10 freshmen have D or F averages, officials are rushing to set up alternative schools to help at least some at-risk kids graduate. Lake officials said they've made the decision because of research by The Orlando Sentinel showing that schools aren't coping with the crush of student failure.

Although grades for sophomores improved a bit from last year, one of every three 10th-graders still is in trouble. The schools are working to help failing kids, but there clearly is no quick fix.

There are 5,490 juniors and seniors below a 2.0. They, too, must meet that standard for their last years of school. Borderline seniors won't know until a few days before graduation whether they'll get diplomas.

Lump them all together, and the number of kids at risk is accumulating at a frightening pace.

A year ago, schools were concerned with 7,311 freshmen who couldn't manage passing grades. Now they must try to help 24,000 who aren't making it.

At some schools, officials say they're not worried, that students tend to do better as they get older.

In Volusia County, for instance, high school services coordinator Tim Egnor found many historically had begun high school with abysmal grades.

''If past history has any accuracy whatsoever, this just won't be that big a deal,'' Egnor said. ''It always looks really ugly up front, but . . . four years later there's always been dramatic improvement.''

THE HARSH REALITY

But the bottom line is this: When kids needed a 1.5 grade-point average to graduate, about one in four didn't make it. Now, there is an even tougher standard, and no one knows how many more might fall by the wayside.

Many teachers feel besieged. They say they are facing ill-equipped, often uninterested kids they just didn't see 10 years ago.

Florida's new get-tough rules say every student must have a 2.0 cumulative grade-point average—a C—to get a diploma. Every time a kid gets a 1.5 in one class, he has to do better than 2.0 in other classes to improve his average.

But as kids get older, they have less time to pull up their grades. At the same time, the grading scale has gotten tougher. Now, kids have to get a 70 for a D. The cutoff used to be 65.

Many among the current crop aren't going to make it, or they'll spend six years in high school, or they'll get a certificate of completion, which means they went to school but never got a diploma.

And that doesn't point to a bright future. Without diplomas, kids cannot get into college. They cannot compete for the best jobs.

And so there is pessimism.

At Leesburg High, Principal Wayne McLeod expects half of his freshman class to drop out. A large number of them have a special problem: They cannot read.

Many simply cannot fathom the contents of a textbook. Forty percent of the freshman are years behind where they should be.

Lake School Board member Mary Fletcher, a former teacher, remembers her shock when she returned to Leesburg High. ''I assigned a classic to the class,'' she said, ''and one girl raised her hand to protest: 'I don't do reading.'''

One indication of the problem is that Lake County held back many more freshmen this year than the year before, but that didn't do much to help the percentage of sophomores below 2.0.

Who's to blame? Everyone points a finger, either at high schools for doing a bad job, or at middle and elementary schools for passing along kids who should be held back, or at parents.

What is clear is that thousands of kids just aren't ready.

Oak Ridge High freshman Michael Petty got A's in middle school. Now, he is struggling with a 1.25 grade-point average.

''In math class last year, the only real work was graphing. When we came here and went straight to doing equations, it was like, 'Equations? I don't know how to do any of this.'''

Making things worse, many kids are living in a dream world. School, they think, has no connection with their lives. They just want jobs so they can get cars.

Many simply won't show up: ''These kids will not come to class,'' McLeod said. ''They will not do a bit of work when they do come. We need to fail them.''

Parents are scared. Don Peplow, parent of a Lake Mary High junior, said he is afraid too many students below a 2.0 are going to give up. D students can't suddenly be expected to start making B's and A's, he said.

''They're going to say, 'Screw it. Why bother?'' Peplow said. ''That's what really gets me.''

A BLEAK OUTLOOK

These kinds of problems are not new. The truth is that schools have been graduating kids who can't read for years. In Florida, one of every four freshmen entering a college or a university needs some kind of remedial help.

And though educators and legislators have been talking about the 2.0 rule for a couple of years, there still is no comprehensive plan for a way to turn things around.

That is being left up to individual schools. At the district level, officials only now are starting to talk about overall strategy.

In Lake County, ''we are absolutely still developing a program,'' Superintendent Jerry Smith said.

For 10th-graders who did very poorly last year, Lake has special programs. But only 60 kids at each high school can get in.

In Osceola County's Gateway High, where 40 percent of the Class of 2000 is below 2.0, the dropout prevention program was dumped two years ago.

A few miles west, at Poinciana High, there is a seventh-period class for extra help. But it only works for kids with transportation because it ends more than an hour after the last bus has gone.

Most remedial programs deal with small groups, so teachers can work closely with the kids. And that means they are expensive.

To try to buck that trend, Colonial High tries to find a mentor for every kid in trouble.

Social studies teacher Dee Libonati recognized that Jeffrey Cope needed help. Jeffrey is bright and conscientious, but he lost interest and got behind. She offered to meet regularly with him before school.

''You gave me a lot of encouragement,'' he told her. ''You always checked up on me.''

Jeffrey is doing a lot better. But the bad news is that there are almost 600 underclassmen at Colonial alone who need help.

What has been left out of the discussion of ''raising the bar'' is this: How long it will take before results begin to show?

''We knew we were in for a long-term fight. But we have to start somewhere,'' said Frank Brogan, state education commissioner.

''We were always very careful to point out that you cannot take a freshman already two grade levels below his peers and in six months see that student catch fire.''

Nevertheless, the new rules affect thousands of kids who would have graduated under the old system.

Last year, you could have filled the lower bowl of Orlando Arena with Central Florida freshmen who couldn't make a 2.0. This year, the first that the rule applies to every student, you could fill the entire arena and leave another 6,000 standing outside.

Jennifer Reeves, a senior director for Orange County schools, thinks it was a mistake to impose the 2.0 requirement all at once, instead of phasing it in.

''It wasn't our decision. I wouldn't have done it that way. It was a lot to throw at kids. It's a feel-good thing: 'We're going to be tough.'''

Caesar Campana, who teaches freshman English at Orange County's Edgewater High, isn't surprised at the poor showing.

''On top of the 2.0, we're asking our students to pass a year of algebra I, and this is difficult for a lot of our students.''

''They say, raise the bar. I love that, It's like taking a kid in a weight room who can't bench press 200 pounds, and saying, 'I'm going to make you stronger. So you have to bench press 300 pounds.'''

UNINTERESTED AUDIENCE

As difficult as the task is, schools are feeling great pressure to get kids through. There is remediation, tutoring, night school.

In Volusia County, they've held pep rallies to fire kids up about studying harder. Some schools sent letters home to parents. Some offer alternative classes that award more credits in less time.

Students who earn more than 24 credits can drop their lowest grade. There are classes without tests. There are sessions where kids get one-on-one attention.

At Lake County's Eustis High, Lino Santos, 17, has done well in a special class for 10th-graders.

''I used to be a D student,'' he said, ''and now I am pretty much an A and B student.''

Here, the work is simpler. ''It is much easier,'' said Crystal Edge, 15, another Eustis High 10th-grader.

And that may be a mixed bag.

''There are some days when I feel this is great. If kids don't get their diploma, what will they be doing? This keeps them in school,'' said Skellie Morris, who teaches at Tavares High.

''But maybe we are giving them the easy way out.''

Yet, it's not just a matter of finding something that works. Regardless of what teachers do, too many kids care only about their lives outside the classroom.

At Oak Ridge High, Assistant Principal Susan Storch said some kids are far more concerned about having good jobs and cars.

''Their future is Friday night,'' Storch said.

Oak Ridge math teacher Cherry Jones struggles to teach multiplication, only to hear kids respond: ''Why? I've got a calculator.''

Bobby Jones is a typical 10th-grader at Umatilla High. He has a C average. He could do better. It just isn't worth the investment.

''I would have to spend all of my time in school,'' he said. ''I just won't do it.

''I'm a slacker. I'm still passing, but I could have good enough grades to get a scholarship. But it is not going to happen because school is not my main priority.''

Sadly, it is not simply a question of attitude. Talk to longtime teachers. They'll tell you there have been fundamental changes in the way things are.

Storch calls it ''simplistic'' to impose higher standards and expect kids suddenly to rise to the occasion.

''We will do our best. But we would all like to see some of these people come to a high school—any high school—and experience it for themselves. How they remember school to be, that it is not what it is today.''

For DeLand High School sophomore Shante Thomas, the tougher standard has added to an already hefty load. Shante is 15, has a 1.7 grade-point average and often misses school because her 1-year-old, Lametriana Harding, suffers from chronic bronchitis.

Shante brings her son to a child-care facility at her school. And although there is an after-school tutoring program, she can't attend. The child-care program closes when classes end.

''I want to do good, and I know I could, but for me it's hard to catch up,'' she said. ''I have all these other things I have to do, like change diapers and take care of my baby.''

Another surprise these days is the attitude of some parents. They don't care, either.

''We have parents now who advise their children to drop out of school and get a job,'' said Delores Gray, longtime guidance counselor at Leesburg High. ''I about fall out of my chair when I hear them.''

PUSH FOR ACCOUNTABILITY

So what's the answer?

Across Florida and the nation there is a push for more accountability. Brogan, the education commissioner, three years ago began publishing a list of Florida public schools that fall below minimum expectations in test scores. Since then, the number of schools on the list has dropped from 158 to 30. Those still on the list this year may face some sort of state intervention.

Administrators are thinking about typing principals' job reviews to student performance. But they are stepping very gingerly.

What happens, Seminole County's secondary education director Tom Marcy asks, if a school consistently fails to improve?

You would have to look for a trend, not just a change from one semester to the next, he said. Then you would have to make sure there were no significant changes in the student population or faculty, that might explain a drop in grades. That can happen with something as simple as a change in attendance zones.

Should teachers who raise test scores get more money? Should principals who fail to teach kids get fired?

Historically, educators have fiercely resisted such moves. The rationale: Should a principal of a school with a largely poor, highly mobile student body be as accountable as one in an affluent, stable community flush with bright-eyed honors students?

''It's very controversial,'' said Peter Gorman, associate superintendent in Osceola County.

However, he said, ''the public can no longer accept us saying we can't improve our schools based on factors beyond our control.''

Eventually, the pressure—and the new emphasis on grades—will bring most kids up to speed, Seminole Superintendent Paul Hagerty says.

But for years to come, some kids will go without diplomas.

''It may take a trauma for a few kids,'' Hagerty said, ''to get the attention of the others.''

FLORIDA'S GET-TOUGH STANDARDS

Florida's education reform effort isn't just the 2.0 rule and a tougher grading scale.

This year, all teachers must teach the Sunshine State Standards—guidelines for what kids should know and be able to do by certain grades. This year, the state begins to

measure progress with its Florida Comprehensive Assessment Test.

The state is requiring schools to target students who fail to meet math and reading standards, a chronic problem. In Orange and Osceola counties, for example, at least 30 percent of eighth-graders scored below the 25th percentile on reading and math achievement tests. That means they did worse than 75 percent of kids across the country.

There is a push to get kids up to speed early on, particularly in reading. A state law that takes effect next year won't allow grade school kids who don't read well enough to be promoted. Seminole County has new elementary school tests to diagnose reading problems. In Lake County, there are 250 reading volunteers in elementary schools. Orange County this year will have summer school in at least 19 low-achieving elementary schools—more than double the number last year.

[From the Orlando Sentinel Online]

TEACHER'S DIARY: 'APPARENTLY, I SPEAK A DIFFERENT LANGUAGE THAN THEY DO'

Today, I gave a test. As always, the students were allowed to use their notes. The way I see it, I serve them better by honing their note-taking and comprehension skills, as opposed to their memorization skills. I have been giving open-note tests since day one.

Even so, every time I lecture, I have to remind them to copy what I write on the board. They have been in class for 150 days. When will they catch on that it will be beneficial to have notes?

Last week, I put a note on the board about when the test would be. Every day since, I reminded them. Yesterday, I gave them a list of the topics that would be covered. Last night, I put a reminder on my homework hotline.

Apparently, I speak a different language than they do, because a quarter of them came in this morning and said, ''We have a test today? You didn't tell us we had a test today! Can we use our notes?''

Now, it's 8 o'clock and I have just finished grading the tests. My spouse has gone into the other room, tired of hearing me yell, ''How many times did we go over this!?'' as I drew a line through another wrong answer.

More frustrating than the students who answered incorrectly are the ones who don't even attempt an answer.

I explain to them before every test that I will give them partial credit if I can see they knew at least a little about the answer.

Even if their answers are different from what we discussed in class, I will give credit if they can explain their point of view.

Believe it or not, I have had students choose to take a zero because they left their notes at home. What do they do in other classes? What were they doing for the last week when we were learning about the ideas that test covers? Where is their survival instinct?

I encourage what is known as ''thinking out of the box.'' I want my students to disagree with me. I want them to think, to seek alternatives. Sadly, most of them just can't. Sadder still, many don't want to. They want to be given the answer; they want to write it on the test from memory; and then they want never to think about it again.

I think that the theory that high expectations will cause kids to rise up to meet those expectations is only true if the kids already have some foundation to stand on. But by the time they reach the upper grades, their feet are already mired in quicksand.

One foot is stuck in their own inescapable kid-ness, which causes them to try and get out of as much work as possible.

But the other is mired with teachers who don't expect them to do anything but memorize. I have kids who are about to go to college whose teachers actually give them a copy of the upcoming test to use as a study guide.

And do you know what? Even after that, some of them fail. Why should I try to teach them to think?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ACTIVITIES DURING THE DISTRICT WORK PERIOD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Colorado (Mr. BOB SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. BOB SCHAFFER. Mr. Speaker, this evening I would like it go through a number of issues. Wednesday evening is the opportunity for the freshmen Republican class to spend a little time on the House floor and brief our colleagues and, indeed, the rest of the country on some of the activities that we are pursuing throughout America in our respective districts.

I know for me out in the Fourth District of Colorado that I represent, which is essentially the eastern plains of the country, I spent the last two weeks over the Easter break working pretty hard, actually. It was not much of a break at all. We did a lot of town meetings and a lot of visits at school sites throughout the district and so on.

I wanted to spend a little bit of time tonight just telling my colleagues about some of the activities that I had pursued with the Committee on Economic and Educational Opportunities that made a site visit out to my district recently, and report back on some of the comments that we received at that subcommittee.

It was a subcommittee of the Committee on Economic and Educational Opportunities, the Subcommittee on Oversight and Investigations led by the chairman of that committee, the gentleman from Michigan (Mr. HOEKSTRA). They came out to the town of Timnath, Colorado, which is a little bit east of Fort Collins, and Timnath is a community that includes an elementary school that we went to visit, Timnath Elementary School.

The school was a unique one and one that I think provided perhaps the best snapshot of education in my district as far as at the elementary level, because this particular community is located just on the outskirts of a bigger city, the City of Fort Collins, but still has a large rural component. So we have an interesting mesh of children from urban as well as rural settings, and of course that is representative of the district overall.

We met for a day-long hearing of the subcommittee, again, part of the Crossroads in Education program of the committee which has taken place in several States throughout the country under the leadership of the committee.

Let me tell you, Mr. Speaker, about some of the individuals that we heard from. Our focus was asking local leaders about what works and what is wasted in public education today. We heard from Don Unger, who is the superintendent of the Poudre School District in the town of Fort Collins.

He cited one of the biggest problems that he is confronted with as a superintendent of a relatively large school district in Colorado. He said that we continue to receive increased Federal mandates. What he focused on, for example, were the changes made in the IDEA bill last summer, which are taking well over 100 hours of staff time with no new resources provided to support this additional mandated requirement.

He also spoke about parent and staff litigation against the school district which he said caused a major demand on staff and dollars. These litigations are coming from three areas, he said: the Office of Civil Rights; right to due process under IDEA; and through parental and staff complaints to the State government.

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He said that some of the things that are working very well are the efforts here in the Congress to consolidate Federal programs, and, in fact, this Congress accomplished that in the last session with a number of education titles that we reviewed and consolidated here. He spoke about some of the literacy programs that we have promoted as a Republican Congress, and commented that they are working very well in his district.

Secondly, we heard from a woman named Pat Chase. She is the president of the Colorado Association of School Boards, and she takes in a perspective in her testimony of the entire State and all of the school boards that she represents, which are 176 in number, of locally elected school board members, and all very dedicated to education.

She says that the efforts in the State to lead local school districts in establishing standards are being received very positively, and have had a very positive impact on local schools. She, once again, hit on the issues of public school mandates, and described the Federal mandates that we are handing down to school districts as being particularly detrimental. She said the Omnibus Transportation Employee Testing Act has been somewhat of a problem that imposes drug and alcohol testing requirements on school bus drivers, and she said that the mandate has the best of intentions. And on a State level and local level it is something that, in fact, Colorado would

most likely support anyway without the mandate from the Federal level.

However, the Federal mandate just being in existence compels States and local school districts to fill out a lot of paperwork; spend a lot of time complying with the Federal mandate. Here is a mandate that is pretty obvious. You want to make sure that the people driving buses and being around kids are free from drugs, and pass the drug tests. And as I mentioned, Colorado is no different than many other States in that it would accomplish this objective on its own; left to its own devices and its own laws, but again the Federal Government's intrusion on something that is rather obvious results in nothing more in Colorado than more paperwork and more headaches for school board members throughout the State, and in the end detracts from getting dollars to classrooms where they are also needed most.

We also heard from Dr. Randy Everett. Randy Everett is a urologic surgeon. He and his wife have been very involved in establishing education opportunities for children throughout northern Colorado where they were instrumental in establishing a school that focuses on the Hirsch ''Core Knowledge'' curriculum or the ''Core Knowledge'' sequence designed by Dr. E. D. Hirsch. And they started that school as an alternative school, and it resulted in a huge waiting list of parents who wanted to get their children into that kind of an education setting.

This school is one that is created around a sequential curriculum, very well ordered, and very logical in terms of one lesson building upon the previous one. It is built around a concept called mature literacy and cultural literacy, which is one step above just basic functional literacy; the whole notion that children should be able to read for meaning and be able to understand all of the historic and scientific and cultural context of things that they read, and the way they understand the world.

A curriculum that is being used throughout the world, certainly throughout the United States with great success, this was the first school that was established in Ft. Collins. Dr. Everett then went on to establish a second school under Colorado's charter school law. That school, as well, the Liberty Common School, is one that is enjoying tremendous success in its first year and Dr. Everett was on hand to give us testimony about the success of that institution.

We also heard from Mr. Clair Orr, who is an individual from Greeley, Colorado. He serves on the State board of education, was elected to that position from throughout my Congressional District in the Fourth District. He spoke about a number of issues. The huge variances that we have in Colorado, very large school districts, down to small school districts that have in some cases 60 students total. And he spoke very directly, again, about the Federal Government taking on several responsibilities and duties for which it does not pay. And at one point in time our Federal Government mandated a number of requirements upon school districts, and over the years the size of the U.S. Department of Education has been broadened and flattened out, and there are too many programs now, far more than the district is able to fund.

We heard from Jane Anderson, a parent at Liberty Common School. Jane Anderson spoke about school choice and the positive impact that that has on parental involvement. Many, many parents, far more parents than seems to be typical are getting involved in education delivery right at the classroom level when empowered by school administrators to do that, and again spoke about how wonderful that seems to work in Colorado.

We heard from Bob Selle, a superintendent from east Yuma County school district, RJ–2, way off in the eastern part of Colorado, almost out near Kansas. He spoke about, once again, about some of the, about some of the very difficult challenges that rural communities have. They spend a disproportionate amount of money on transportation because they have to transport their children from such far distances to get to some of the rural schools, and spoke about the success of some of the reading programs that the Federal Government helps initiate.

One of the most memorable portions of our hearing involved testimony from a teacher, science teacher named Pam Schmidt. She is Colorado's 1997 Teacher of the Year and she teaches at Thunder Ridge Middle School in Cora, Colorado. That is in the Cherry Creek school district, a very inspirational teacher.

What struck me most about Pam's comments and testimony was her desire to see teachers treated like real professionals. That is a term that I use quite frequently, and I asked her about a system that we have today, largely dominated by union politics at the National Education Association and the Colorado regimen being the Colorado Education Association. This union has secured a contract essentially that treats all teachers the same, regardless of their professional abilities and their ability to contribute to an education system and process; in fact, a system that results in the absolute worst teacher in the district being paid the same as the absolute best.

She and I agreed that we ought to create a system throughout the country where teachers are rewarded as real professionals, and, in fact, allowing the very best teachers to become wealthy in carrying out the services that they render to children, which if we as a society agree, and I think we mostly would, that this process of public education is of paramount importance, truly then those who are the best and who are those who excel in their profession and field ought to be rewarded financially as well as professionally on that basis. And conversely, those who fail to perform well ought to be persuaded to find a new line of work.

That, according to Pam, does not happen in public schools today. The worst teachers seem to be protected most by laws that certainly do not have the best interests of children first and foremost in their intent.

We heard from Dan Balcerak, principal of Timnath Elementary School. First of all, let me say he was very gracious, and we certainly appreciated his hospitality in opening up his school for a day to the Congress and to the State of Colorado. Principal Balcerak mentioned that public education serves the needs of a wide variety of students, so teaching methods need to include accommodations for a wide spectrum of learning styles.

He spoke about how local control being the best way to accomplish that, not centralizing curriculum in Washington, D.C., as many people here in Washington would suggest needs to occur. You find most of those folks over in the U.S. Department of Education and in the Clinton administration. And we assured Dan Balcerak that on the Republican side of the aisle, we are working very hard to liberate public schools throughout the country, and honor the freedom under which they operate best.

We heard from Bill Moloney, the Commissioner of Education of the State of Colorado. He spoke about many things that seem to work very well. He said that technology, for example, is having a remarkable impact upon public education. He spoke about the Core Knowledge movement as being very positive, a rigid strategy toward testing and accountability that is occurring in Colorado; pointing out where the real problems are, and allowing professionals to go to work on improving those particular aspects of our school system. And he again spoke about the unfunded Federal mandates, and the real need for this Congress to work forcefully to liberate public schools at the State and local level, and free them from these burdensome rules and regulations that are again largely unfunded.

Mr. Speaker, I just wanted to go through that report for the benefit of the Members here and also for those who wonder what it is we do when we take these breaks from Congress. In this case, which is a snapshot of one day, we spent considerable amount of time bringing other Members of Congress from other parts of the country out to Colorado to consider the contributions and the problems that we are dealing with in a part of my State where the rural areas are, come up against some urban areas.

I see the gentleman from South Dakota has joined me here. The gentleman from South Dakota (Mr. THUNE) is one of the outstanding leaders of the freshman class. I appreciate him joining us here tonight.

I yield to the gentleman from South Dakota (Mr. THUNE) to present whatever point he needs to bring to our attention tonight.

Mr. THUNE. Mr. Speaker, I want to thank the gentleman from Colorado for yielding to me. I might add that as you traveled across your State of Colorado, I would suspect that many of the concerns that you heard were not unlike the ones I hear in traveling my State of South Dakota, because I think our congressional districts are very much alike in many respects, and as I spent the better part of 2 weeks, actually all of 2 weeks traveling across South Dakota, I had the occasion to visit with a wide range of groups from economic development groups, to agricultural groups to education groups, and to discuss with them a wide range of issues; all of which I think are very relevant as we look to the future, and what some of the needs are that are out there.

It is sort of ironic. I was listening to the debate today on the tax limitation amendment here on the House floor, and there was a lot of invoking, I guess you would say, of our Founding Fathers and what their intentions were with respect to taxes and whatnot. And there was the suggestion, the notion that somehow because our Founding Fathers did not include in those original documents a supermajority requirement to raise taxes, that in their wisdom they had excluded that, and they talked about, I heard the discussion of the Articles of Confederation and whatnot, and it occurred to me, I guess, that in my reading of history that the Articles of Confederation were, in fact, they relied upon the States to raise revenue, and it became clear that the States were not going to do it. And so they came up with a way in which they could raise revenue for the national government.

But that, nevertheless, I would also argue that our Founding Fathers probably never anticipated that we would be looking at $5.5 trillion in debt. In fact, if our Founding Fathers had known that we were going to run the country $5.5 trillion in debt, they probably would have moved back to Europe and forgotten the whole thing to start with.

The fact of the matter is that there is an inertia in government to spend, and one of the things that the tax limitation amendment does, it says in very straightforward terms that if, in fact, the government is going to raise taxes, that the representative form of government that we have, that they elect people to make these decisions; that it will take a two-thirds majority, supermajority to raise taxes. I think that is something that is very much in the interest of the people in this country so that we can get away from this built-in inertia toward big government to spend dollars.

I look at our State of South Dakota, which I think is a good case in point. We have in our Constitution a balanced budget amendment. We balance our budget every year. We have a requirement for a supermajority.

In fact, in 1996, on the ballot almost 75 percent of the voters in South Dakota voted in favor of making it a two-thirds requirement in order to raise taxes in our State. And more and more States are moving in that direction because the people of this country, I think, have realized what we already know and what you cannot help but realize after you have been in this town for a very short time: that there is an incredible inertia in this city and in government generally to continue to spend and spend and spend. So this afternoon we had the vote on that.

I think it was a significant vote for the people of this country, and for your voters in Colorado, and the folks in Michigan. And the gentleman from Michigan has just joined us, but certainly for the people in South Dakota, interestingly enough, as I traveled across our State, and we dealt with, again, a wide range of issues. We talked about corn prices and wheat prices and cattle prices, and there is not a whole lot to be happy about in agriculture today. A little bit about supporting ethanol, making sure that we have opportunities to add values to our raw commodities in South Dakota and across the agricultural sector of this country.

We also talked a lot about retirement issues, a lot about education issues, drug issues, which is an incredible problem in many small communities across South Dakota today. But interestingly enough, one incident in particular that stuck out to me, as I stopped at a gas station in Aberdeen, South Dakota and the young lady at the counter said to me, as I walked in, she said, Congressman, working families need lower taxes. And she said, my husband and I both work. We are raising kids, paying the bills, trying to educate our kids, put aside a little bit for retirement, and we are writing these big checks to Uncle Sam.

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''And the best thing that you can do to make our lives easier and to allow us to make to have more control over our futures is to lower taxes on working families.''

In fact, I would like to just briefly mention a couple of bills that I introduced some time ago which would do just that. The Taxpayer Relief Act was one, H.R. 3151; the Taxpayer Choice Act, which is H.R. 3149, lowered the tax burden on working people in this country in a way that addresses a couple of principles that I think we ought to be concerned about when we talk about lowering taxes. And one is, not further complicating the Tax Code.

We have 480 forms, and we put them on a scale one day at one of the meetings I had in South Dakota. 34½ pounds of tax code and instructions and all that. So, clearly, we need to move in a direction towards simplification so the people who pay this rate in this country can understand what it is, the Tax Code, that they are supposed to comply with in the first place; and, secondly, we ought to do something that is broad based.

Now, this administration has forever seemed smitten with the notion that we have to do things in a targeted way so that Washington can identify and pick winners and losers. And the legislation that we introduced drops more people out of the 28 percent bracket down to the 15 percent bracket, in fact, 10 million filers in this country. Altogether, 29 million Americans would pay lower taxes as a result of lowering that.

What in effect it does is it says to the people of this country that, instead of each additional dollar that they earn we are going to tax them at 28 cents, we are only going to take 15 cents. That is an incredible incentive to work harder, earn more, produce more, be more productive, and improve their lot in life. Today I think as people grow into higher tax brackets we continue to penalize them and to take away the incentive.

The other bill, very simply, raises the personal exemption from $2,700 to $3,400, and that does affect in a broad based way everybody across this country who pays taxes, and it brings real relief. We talk about giving people more education when it comes to child care and education and health care and retirement.

Giving money back to people or allowing them to keep more in of what they earn in the first place and making the Federal budget smaller and the family budget bigger does that in a very meaningful way because it allows families the freedom to make decisions that affect their lives. And they can determine how best to meet those needs, to make that house payment, to make that car payment, to pay for child care, to pay for health care. But it is doing it in a way that is consistent with the principle and the value which I think we in the Chamber all share, and that is to allow people in this country to make those decisions, rather than bureaucrats in Washington, D.C.

So I commend those particular bills to your consideration, and as we get into this budget debate I hope they will be on the table.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I will yield to the gentleman from Michigan (Mr. HOEKSTRA) in just a second.

Because it is interesting, at the crossroads hearing that we had in my district that I mentioned, the topic, of course, was education, but one of the State Board of Education members, an elected official, in speaking about a variety of education issues, mentioned the marriage tax penalty that existed where a married couple, where two individuals who are earning incomes get married, they move into a higher tax bracket or a portion of their income does. But he spoke about, just on a

philosophical basis, how this Federal Government consistently beats up on families that are the most central and social unit in America and makes it difficult for a variety of reasons.

And he looked to that particular example of a fallacy in our tax code and was able to show very dramatically to the chairman and I, who is here now, about the direct impact that that has on local education, on families, on just the ability of families to be functional in America today, whether it is health care, whether it is keeping their children on the straight and narrow or educating them appropriately in school.

The chairman is here with us tonight, the gentleman from Michigan (Mr. HOEKSTRA). And that was one of the most memorable portions, in my opinion, of that hearing that we had. And I want to publicly say I sure appreciate the gentleman for bringing the committee out to my district, and those in my community appreciate his attention as well.

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for yielding, and I thank both of my colleagues for being here and also for the work that they have helped us accomplish in this Congress.

We are talking about education. We are talking about the budget. We are talking about where we go with spending and tax cuts. And because of the work of Members like my colleague, we here now in Washington I think really are at a crossroads on a number of issues, on education, where we have got these series of hearings, we have gone to 17 different States, and we are at a crossroads I think in Washington about deciding how we deal with education in America.

We know that, since 1979, with the Education Department, we have been bringing more power and more funding, more rules and regulations to Washington and saying we need to improve education in America, and the way to do that is to move more money and power to Washington and allow the Education Department to dictate to local schools and to local parents and local administrators how best to educate their kids.

After 19 years of following down that path and seeing that our children's test scores are not up and seeing that Washington defines ''education'' as being 760 programs going through 39 different agencies, and there is 34 pounds of rules and regulations in the IRS code, I can tell my colleagues that when we took a look at all of the forms that schools have to fill out for these 760 different programs, we had about four or five stacks that were four or five feet high and it is like wow, and what that means is when we spend a dollar to Washington for education, only 65 cents gets back to the classroom.

What we found in our 17 hearings around the country is what is the leverage points for improving education in the local school in Colorado, in New York, in Michigan. It is parents, it is local teachers, it is local administrators identifying the needs for their kids. So I think here in Washington now we are going to have some votes on this on the floor, we are going to have some votes in committee about we are at the crossroads.

The President does not agree with the gentleman, because the President wants to spend more of the money that comes here. He is not in favor of tax cuts. He believes bureaucrats here ought to define what school districts get more money for school construction, which schools get money for technology, which schools get money for lowering class size. He wants that money to come here and not stay in the district.

So we are going to have to make the decision. Are Washington bureaucrats going to make more of those decisions or are we going to take these programs, consolidate it, move it back to local teachers and administrators and parents and say, hey, here is a check, if you want to use this to reduce class size, use it to reduce class size? If you need technology, you decide where you are going to spend it.

So I think we are at a crossroads. There is a group here in Washington that says we need to spend more and we need to tell people what to do, and there is a group that came out and said, we have gone around the country, we have gone to these places, the energy and innovation and the effectiveness, the good things that are happening in education in America today, and there are lots of them, it is happening because there are people at the local level who have a passion for helping their kids and they know what to do and we have got to unleash their potential and follow the roles of the States with charter schools, with innovation. That is the key crossroads in education.

We are going to have the same types of questions on the budget. I know that we do not have a surplus as good as we would like to have and it is only a surplus in Washington terms, but it is a significant change. There are some that want to spend it. I think some of us want tax reduction and pay down the debt. That is another crossroads. Are we going to use it to grow government or are we going to use this to take the opportunity to rethink programs and move the power back to the American people?

Mr. BOB SCHAFFER of Colorado. Shrinking the size of the Federal Government has benefits not only for education but for everything we do as Americans and for the constituents we represent back home.

Right now, the Federal budget is $5½ trillion.

Mr. HOEKSTRA. If the gentleman would further yield, the debt is $5.6 trillion. And we spend $1.6 trillion, $1.7 trillion.

Mr. BOB SCHAFFER of Colorado. Right. I am sorry if I misspoke.

Mr. HOEKSTRA. I always get beat up at my town meetings between getting the deficit and the debt confused.

Mr. BOB SCHAFFER of Colorado. The debt is $5½ trillion for the national debt. The amount we spend every year, $1.7 trillion to run the Government this year, for example. But that $5½ trillion debt that we consistently run up, even with this surplus that we talked about that we have here in Washington, we have to realize and remind people that this is only a surplus the way the Federal Government does its accounting.

We are still moving in the right direction. There is no question about that. We are able to put more resources into relieving some of these debt issues.

Mr. HOEKSTRA. My colleague talks about moving in the right direction. When I first came here in 1993, the deficit as Washington counted it for 1998 was projected to be $300 billion per year. We are on the path now to have a $40 billion to $50 billion surplus. This is a switch of $350 billion to the positive.

Mr. BOB SCHAFFER of Colorado. Well, whatever we can do to lower the size of that effective debt and move not only authority but real wealth back to the States and the people allows us to speak more forcefully and more seriously about improving our local schools, about improving local economies, the ability to pour capital back into the private sector rather than hoard it here in Washington, either held as debt or spent on a number of government programs is a choice that we just have to make in favor of States and the people.

And we talked about education a lot tonight. The problem we are really dealing with the U.S. Department of Education is the disagreement that we have, and the debate that is at the center of education issues is not about whether resources ought to be spent in classrooms. On that point we all agree. The question is, how do we do that?

For those of us who are conservatives here and try to figure out how to make our government operate more efficiently and really improve classrooms, our big concern is the 40 to 60 percent of the money that we are spending right now out of the Federal budget never makes it to a classroom. It gets soaked up by bureaucrats here in Washington, never leaves the city. When it goes back to the States it gets soaked by various Federal bureaucrats and State bureaucrats at the local level.

We believe very firmly that in order to reduce class sizes, in order to allow technology to be used appropriately in classrooms, in order to allow for innovations in education to occur at the classroom level, we just need to get the Federal Government out of the way and allow the wealth that the country is generating to be spent on its legitimate intended purpose, which is to help children. It is not occurring today, and we are fighting very hard to make that happen.

Mr. THUNE. If I might add, we look at the Washington model, which is obviously, I think we would all concur, in

many respects a failed model and the message that Washington sends to our young people. And would we not be much better served if we had our parents and teachers and administrators and people plugged into the local levels and all just issue a recent incident of this that I think needs to be talked about later on today?

But Washington, D.C.'s idea of how to help our young people is to give them free needles and to tell them to go ahead and shoot up. And that is a mixed signal when Washington gets in the middle of something affecting the young people in America today.

Mr. HOEKSTRA. Is this the same Washington that is going to stop our kids from smoking but we are going to give them free needles? Somewhere in here there is a contradiction. We can stop our kids from smoking through Washington programs, but we cannot keep them off drugs so we are going to give them free needles.

Mr. THUNE. If the gentleman would yield on that, because that is an important point, and we are talking about an important issue. Tobacco is an important issue, and it is something that we are going to pass legislation which prevents teens from starting smoking.

But the issue, the reason that they are talking about at the White House the tobacco issue not the drug issue is because it is a money issue. It is all about money. It is about bringing more money in here to create new government, Washington-based spending programs. That is what the issue is. And if the objective ultimately is to help young people, to get them to stop smoking, to get them to stop quit using drugs, that is exactly the wrong message to send. We do not want to hand them free needles.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I will yield time to the gentleman from Illinois (Mr. HASTERT) in a minute.

What I have here in my hand is about 2 days' worth of responses to a public opinion survey I sent out in my district about the topic of education. And my colleagues can pour through these. And we have to respect the confidentiality of those who sent them. I do not want to disclose any names.

But just in general, I asked about a number of education topics. But in the comments people wrote in, it was alarming to go see how many times parents expressed real concern for drugs in their schools, that their concern, the most precious things in the lives of these parents are their kids and they send them to schools to learn and they have these great hopes and ambitions for their children and their families.

We ought to be, when it comes to schools, talking about class size and curriculum and the real issues that are confronting our children in schools. But to see the concerns of parents over and over and over again expressed in a way that goes right to this drug issue, it is a tremendous problem throughout the country. And parents in America should not have to worry about sending their children to a public school and having them confronted with the reality of drug addiction, drug abuse, and illegal drugs at all.

The gentleman from Illinois (Mr. HASTERT) is here, who is one the foremost leaders in the Congress on trying to reduce the rate of drug abuse in America, especially among children. I would yield to him at this point.

Mr. HASTERT. Mr. Speaker, I would thank the gentleman from Colorado for yielding. And certainly this is a real issue. I appreciate him talking about what happens when government has too much money. And when they have too much money there, there is a lot of ideas that people have about how to spend that money.

Unfortunately, one of the ideas that this administration has was, well, it was a good idea to hand out free needles to drug addicts.

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Now we have to look at this issue. You know, drugs are not legal. Marijuana, heroin, crack, cocaine, all those are against the law. But, yet, the paraphernalia, needles and other things that are used to inject those drugs into a human body all of a sudden are not just legal, all of a sudden, you have the Federal Government with a plan to use taxpayer dollars, Federal dollars to hand those needles to drug addicts.

I am saying, you know, maybe we have got something wrong. We talked about trying to stop kids from smoking cigarettes. I think that is something we should do. I mean, we should send a message. We should have the moral courage to talk about this issue. Certainly teen smoking is not a good thing. But I question when we take a cigarette out of a kid's mouth and stick a needle in his arm, I mean, where are we going? What is the issue here? How can you justify that and morally move that idea forward?

I think we have a bad message, certainly a bad message to drug addicts to all of a sudden say it cannot be too bad. The Federal Government is giving me the paraphernalia to put these drugs in my veins.

And certainly the message to parents, and I think as a parent myself, and a teacher, the worst thing that I would ever want to happen is to think about my kids using drugs. I think most parents think of that, boy, one of the things I do not want to see ever happen in my family is to have my kids use drugs. Yet, the Federal Government is actually saying, oh, by the way, if you need free needles to use drugs, you cannot use drugs. That is bad. That is illegal. But if you want the free needles to use them, here they are.

I do not quite understand that. The logic is not there. You know, it is the wrong message. I am particularly frustrated in what signal, in what message we are sending to the kids in this country, the parents of this country, the schools of this country, our foreign neighbors.

I was just down in Chile last weekend attending the President's Summit down there in South America on issues that are relevant. One of the things, one of the messages we are trying to get across to our South American neighbors is that we need to stop drugs. We need to have them stop growing drugs in South America and in Colombia and Peru and Bolivia and other countries. We need to stop having them move those drugs or transit those drugs across their countries and across through Mexico and on to our borders.

But when we are saying it is our job, too, to take care of the demand in this country, but, oh, by the way, we are against people using drugs, and we want to stop the demand because we know the demand in some sense drives supply and vice versa, here, by the way, here is what we are doing. We are instigating a program. We are giving away needles so people can use drugs. The message is wrong, very, very wrong.

I think this Congress needs to stand up. They need to say it is wrong. They need to convince this administration that it is a wrong-headed policy. That is our job.

I think, you know, one of the reasons we are talking tonight and trying to get involved in this and have talked to the American people is to get people to react. I am not sure if there are many people in this country who realize that the Federal Government wants to instigate a program that starts giving away taxpayer-paid needles to drug addicts.

I think in the heart of hearts of some people, the reason they are going to do that is that because there is a high incidence of AIDS among drug addicts, and they want to stop AIDS. But do you know what the facts are? In both the Montreal study and in the Vancouver study and in the Chicago study, and I would like to enter those studies into the RECORD.

What it says is, you know, people who get free needles pass these needles around anyway. The drug is such, especially the purity of heroin that we have today, is such a driving need for those people, once they become addicted, is that they do not care; they just have needles. They do not care if they are clean needles or dirty needles. Once they get that drug buy, they do not want to go more than 100 feet away from where they are at to inject the drug. They will take a dirty needle. They will take a needle from a friend.

The statistics are amazing that, in programs where you do not give needles away, 38 percent of the people trade needles. In programs where you give needles away, such as they did in a study in Montreal and Vancouver and in Chicago, 39 percent of the people trade needles. So it does not make any difference. As a matter of fact, it exacerbates the problem.

What else you find is, when there are free needle programs, it does not do away with drug addicts. The percentage of drug addicts in a neighborhood actually rise. More people are using drugs. And do you know what? The whole issue is to do away with HIV. And do you know what? You have more incidents of HIV. Plus crime increases.

So you have all these dynamics that happen that certainly are not good.

Another interesting thing, too, in New York City, we had a hearing last September, as a matter of fact, September 18, 1997, and it was a hearing on the needle exchange and legalization and the failure of the Swiss heroin experiments. In this study, we found out that, in New York City, for every 40 needles given away, only one needle was actually exchanged. Let me explain that.

The idea of a needle exchange is, you give one needle to the person; he gives you the dirty needle back. Here in New York City, they give 40 needles away and get only one dirty needle back. So the exchange means you just put out more needles in the universe and certainly something that just perplexes me.

Interesting, I have a constituent in my district who heads up the Illinois Drug Educational Alliance, a woman by the name of Judy Kreamer. Ms. Kreamer says needle exchange programs are offered as a way to prevent the spread of HIV, AIDS. However, studies have shown that such programs increase the spread of HIV, AIDS.

In addition, needle exchange programs encourage drug use and pose a serious threat to the health and safety of innocent people, and I will attach support.

Mr. Speaker, I include the documents referred to for the RECORD.

[From the New York Times, Apr. 22, 1998]

CLEAN BUT NOT SAFE

FREE NEEDLES DON'T HELP DRUG ADDICTS

(By James L. Curtis)

Donna Shalala, the Secretary of Health and Human Services, wanted it both ways this week. She announced that Federal money would not be used for programs that distribute clean needles to addicts. But she offered only a halfhearted defense of that decision, even stating that while the Clinton Administration would not finance such programs, it supported them in theory.

Ms. Shalala should have defended the Administration's decision vigorously. Instead, she chose to placate AIDS activists, who insist that giving free needles to addicts is a cheap and easy way to prevent H.I.V. infection.

This is simplistic nonsense that stands common sense on its head. For the past 10 years, as a black psychiatrist specializing in addiction, I have warned about the dangers of needle-exchange policies, which hurt not only individual addicts but also poor and minority communities.

There is no evidence that such programs work. Take a look at the way many of them are conducted to the United States. An addict is enrolled anonymously, without being given an H.I.V. test to determine whether he or she is already infected. The addict is given a coded identification card exempting him or her from arrest for carrying drug paraphernalia. There is no strict accounting of how many needles are given out or returned.

How can such an effort prove it is preventing the spread of H.I.V. if the participants are anonymous and if they aren't tested for the virus before and after entering the program?

Studies in Montreal and Vancouver did systematically test participants in needle-exchange programs. And the studies found that those addicts who took part in such exchanges were two to three times more likely to become infected with H.I.V. than those who did not participate. They also found that almost half the addicts frequently shared needles with others anyway.

This was unwelcome news to the AIDS establishment. For almost two years, the Montreal study was not reported in scientific journals. After the study finally appeared last year in a medical journal, two of the researchers, Julie Bruneau and Martin T. Schechter, said that their results had been misinterpreted. The results, they said, needed to be seen in the context of H.I.V. rates in other innercity neighborhoods. They even suggested that maybe the number of needles given out in Vancouver should be raised to 10 million from 2 million.

Needle-exchange programs are reckless experiments. Clearly there is more than a minimal risk of contracting the virus. And addicts already infected with H.I.V., or infected while in the program, are not given antiretroviral medications, which we know combats the virus in its earliest stages.

Needle exchanges also affect poor communities adversely. For instance, the Lower East Side Harm Reduction Center is one of New York City's largest needle-exchange programs. According to tenant groups we have talked to, the center, since it began in 1992, has become a magnet not only for addicts but for dealers as well. Used needles, syringes and crack vials litter the sidewalk. Tenants who live next door to the center complain that the police don't arrest addicts who hang out near it, even though they are openly buying drugs and injecting them.

The indisputable fact is that needle exchanges merely help addicts continue to use drugs. It's not unlike giving an alcoholic a clean Scotch tumbler to prevent meningitis. Drug addicts suffer from a serious disease requiring comprehensive treatment, sometimes under compulsion. Ultimately, that's the best way to reduce H.I.V. infection among this group. What addicts don't need is the lure of free needles.

[From the Wall Street Journal, Apr. 22, 1998]

CLEAN NEEDLES MAY BE BAD MEDICINE

(By David Murray)

The Clinton administration on Monday endorsed the practice of giving clean needles to drug addicts in order to prevent transmission of the AIDS virus. ''A meticulous scientific review has now proven that needle-exchange programs can reduce the transmission of HIV and save lives without losing ground on the battle against illegal drugs,'' Secretary of Health and Human Services Donna Shalala announced.

The administration is not unanimous, however; the drug czar, Gen. Barry McCaffrey, who opposes needle exchange, was out of the country Monday. Who's right? As recently as a month ago, HHS had restated needle-exchange programs, ''We have not yet concluded that needle exchange programs do not encourage drug use,'' spokeswoman Melissa Skolfield told the Washington Post March 17. By Monday the department had reached that conclusion, though the scientific evidence that needle exchanges don't encourage drug use is as weak today as it was a month ago.

In fact, the evidence is far from clear that needle-exchange programs protect against HIV infection. Most studies have had serious methodological limitations, and new studies in Montreal and Vancouver have revealed a troubling pattern: In general, the better the study design, the less convincing the evidence that clean-needle giveaways protect against HIV.

The Montreal study, the most sophisticated yet, found that those who attended needle-exchange programs had a substantially higher risk of HIV infection than intravenous drug addicts who did not. In a much-discussed new York Times op-ed article two weeks ago, Julia Bruneau and Martin T. Schechter, authors of the Montreal and Vancouver studies respectively, explained the higher risk this way: ''Because these programs are in inner-city neighborhoods, they serve users who are at greatest risk of infection. Those who didn't accept free needles . . . were less likely to engage in the riskiest activities.''

Dr. Bruneau is apparently rejecting her own research. For her study had statistical controls to correct for precisely this factor. In the American Journal of Epidemiology, Dr. Bruneau wrote: ''These findings cannot be explained solely on the basis of the concentration around needle-exchange programs of a higher risk intravenous drug user population with a greater baseline HIV prevalence.''

Even more troubling, Dr. Bruneau reported that addicts who were initially HIV-negative were more likely to become positive after participation in the needle exchange. Dr. Bruneau speculated that needle-exchange programs ''may have facilitated formation of new sharing networks, with the programs becoming the gathering places for isolated [addicts].''

Janet Lapay of Drug Watch International says needle-exchange programs often become ''buyer's clubs'' for addicts, attracting not only scattered users but opportunistic dealers. Not everyone agrees. Dr. Schechter says that when he asked his study's heroin users, they reported meeting elsewhere. But a delegation from Gen. McCaffrey's office returned from Vancouver in early April with some startling news: Although more than 2.5 million clean needles were given out last year, the death rate from illegal drugs has skyrocked. ''Vancouver is literally swamped with drugs,'' the delegation concluded. ''With an at-risk population, without access to drug treatment, needle exchange appears to be nothing more than a facilitor for drug use.''

The problem for science is that no study has used the most effective method for settling such issues—a randomized control trial. Moreover, needle-exchange programs are usually embedded in complex programs of outreach, education and treatment, which themselves affect HIV risk. A 1996 study showed that through outreach and education alone, HIV incidence in Chicago-area intravenous drug users was reduced 71% in the absence of a needle exchange.

Peter Lurie of the University of Michigan argues that ''to defer public health action on those grounds [awaiting better research] is to surrender the science of epidemiology to thoughtless empiricism and to endanger the lives of thousands of intravenous drug users.'' But Dr. Lurie's reasoning appears circular. Only someone convinced that needle-exchange programs are effective at preventing HIV can claim that addicts are jeopardized by further testing.

And drug use carries risks besides HIV infection. A recent article in the Journal of the American Medical Association warned that the arrival of a new drug from Mexico called ''black-tar-heroin,'' cut with dirt and shoe polish, is spreading ''wound botulism.'' This potent toxin leads to paralysis and agonizing death, even when injected by a clean needle.

Thus, dispensing needles to the addicted could produce a public health tragedy if this policy does indeed place them at greater risk for HIV or enhances the legitimacy of hard drug use. Simply put, the administration's case is not proven.

NEEDLE EXCHANGE PROGRAMS HAVE NOT BEEN PROVEN TO PREVENT HIV/AIDS

Outreach/education programs have been shown to be very effective in preventing HIV/AIDS. For instance, a Chicago study showed that HIV seroconversion rates fell from 8.4 to 2.4 per 100 person-years, a drop of 71%, in IV drug addicts through outreach/education alone without provision of needles. i (1) Needle exchange programs (NEPs) add needle provision to such programs. Therefore, in order to prove that the needle component of a program is beneficial, NEPs must be compared to outreach/education programs which do not dispense needles. This point was made in a Montreal study which stated, ''We caution against trying to prove directly the causal relation between NEP use and reduction in HIV incidence. Evaluating the effect of NEPs per se without accounting for other interventions and changes over time in the dynamics of the epidemic may prove to be a perilous exercise. ''ii (2) The authors conclude, ''Observational epidemiological studies . . . are yet to provide unequivocal evidence of benefit for NEPs.'' An example of this failure to control for variables is a NEP study in The Lancet which compared HIV prevalence in different cities but did not compare differences in outreach/education and/or treatment facilities. iii (3)

Furthermore, recent studies of NEPs show a marked increase in AIDS. A 1997 Vancouver study reported that when their NEP started in 1988, HIV prevalence in IV drug addicts was only 1–2%, now it is 23%. iv (4) HIV seroconversion rate in addicts (92% of whom have used the NEP) is now 18.6 per 100 person-years. Vancouver, with a population of 450,000, has the largest NEP in North America, providing over 2 million needles per year. However, a very high rate of needle sharing still occurs. The study found that 40% of HIV-positive addicts had lent their used syringe in the previous 6 months, and 39% of HIV-negative addicts had borrowed a used syringe in the previous 6 months. Heroin use has also risen as will be described below. Ironically, the Vancouver NEP was highly praised in a 1993 study sponsored by the Centers for Disease Control. v (5)

The Vancouver study corroborates a previous Chicago study which also demonstrated that their NEP did not reduce needle-sharing and other risky injecting behavior among participants. vi (6) The Chicago study found that 39% of program participants shared syringes vs 38% of non-participants; 39% of program participants ''handed off'' dirty needles vs 38% of non-participants; and 68% of program participants displayed injecting risks vs 66% of non-participants.

A Montreal study showed that IV addicts who used the NEP were more than twice as likely to become infected with HIV as IV addicts who did not use the NEP. vii(7) There was an HIV seroconversion rate of 7.9 per 100 person years among those who attended the needle program, and a rate of 3.1 per 100 person-years among those who did not. The data was collected from 1988–1995 with 974 subjects involved in the seroconversion analysis. There was a cumulative probability of 33% HIV seroconversion for NEP participants compared to 13% for non-users.

It is important to note that the Chicago, Montreal, and Vancouver studies followed the same group of addicts over an extended period of time, measuring their seroconversion from HIV negative to HIV positive. This has not been the case in previous studies which have purported to show the success of NEPs, such as a New York study which combined results in different populations viii(8) or the New Haven study which was based on a mathematical model of anonymous needles. ix(9)

Some authors have suggested that the increase in HIV in NEP users in Vancouver and Montreal is because NEPs attract high-risk IVDUs. If this is true, then most IVDUs are at high risk, since 92% of Vancouver IVDUs used the NEP. However, an alternative hypothesis was posed by the authors of the Montreal study who postulated that NEPs may serve to facilitate the formation of ''new [needle] sharing groups gathering together isolated IVDUs.'' x(10) This evidence is supported by information that NEPs serve as buyers' clubs and facilitate drug use. Pro-needle activist Donald Grove has written, ''Most needle exchange programs actually provide a valuable service to users beyond sterile injection equipment. They serve as sites of informal (and increasingly formal) organizing and coming together. A user might be able to do the networking needed to find good drugs in the half an hour he spends at the street-based needle exchange site—networking that might otherwise have taken half a day.'' xi(11) By cutting down on the search time, i.e. the time necessary to find drugs, an addict again is able to inject more frequently, resulting in increased drug use, dependency, and exposure to HIV/AIDS through needle sharing or sexual behavior.

FACILITATION OF DRUG USE LEADS TO RISE IN COCAINE AND HEROIN

This facilitation of drug use, coupled with the provision of needles in large quantities, may also explain the rapid rise in binge cocaine injection which may be is injected up to 40 times a day. Some NEPs are actually encouraging cocaine and crack injection by providing so-called ''safe crack kits'' with instructions on how to inject crack intravenously. xii(12) This increases the addict's drug dependency and irrational behavior, including prostitution and needle sharing. In some NEPs, needles are provided in huge batches of 1000, and although there is supposed to be a one-for-one exchange, the reality is that more needles are put out on the street than are taken in. For instance, on March 8, 1997, Nancy Sosman of the Coalition for a Better Community, NYC, accompanied by a reporter from the New York Times visited the Manhattan Lower East Side NEP requesting needles. xiii(13) Even though they had no needles to exchange and were not drug-users, they were promptly given 60 syringes and needles, little pans for cooking the heroin, instructions on how to properly inject drugs into their veins, and a card exempting them from arrest for possession of drug paraphernalia. They were told that they did not need to return the needles. This community has requested that the NEP be closed.

NEPs also facilitate drug use because police are instructed not to ''harass'' addicts in areas surrounding these needle programs. Addicts are exempted from arrest because they are given an anonymous identification code number. Since police in these areas must ignore drug use, as they are instructed not to ''harass'' these program participants, it is no wonder drug addiction is increasing. In Vancouver, Lynne Bryson, a Downtown Eastside resident, notes that large numbers of addicts visit the exchange, pick up needles, and ''shoot up'' nearby. She has watched addicts buy heroin outside the NEP building ''and inject it while huddled against buildings in nearby alleys.'' xiv(14) As the presence of law enforcement declines in these areas, it is not surprising that the supply of drugs also rises, with increased purity and lower prices. This also serves to hook new young users. With addictive drugs, increased supply creates increased demand. Surprisingly, the response in both Vancouver and Montreal to the above-mentioned reports was to increase the amount of needles provided.

Many drug prevention experts have long feared that the proliferation of NEPs, now numbering over 100 in the US, would result in a rise in heroin use, and indeed, this has come to pass. This rise in drug use was ignored by all the federally-funded studies which recommended federally funding NEPs. The National Center on Addiction and Substance Abuse at Columbia University reported August 14, 1997 that heroin use by American teens doubled from 1991 to 1996. In the past decade, experts estimate that the number of US heroin addicts has risen from 550,000 to 700,000.xv(15)

A 1994 San Francisco study falsely concluded that there was no increase in community heroin use because there was no increase in young users frequenting the NEP.xvi(16) The rising rate of heroin use in the community was not measured, and the lead author, needle provider John Watters, was found dead of an IV heroin overdose in November 1995. According to the Public Statistics Institute, hospital admissions for heroin in San Francisco increased 66% from 1986 to 1995.xvii(17)

In Vancouver, heroin use has risen sharply: deaths from drug overdoses have increased over five-fold since 1988 when the NEP started. Now Vancouver has the highest heroin death rate in North America, and is referred to as Canada's ''drug and crime capital.''xviii(18)

The 1997 National Institutes of Health Consensus Panel Report on HIV Prevention praised the NEP in Glasgow, Scotland, but the report ignored Glasgow's massive resultant heroin epidemic. Currently, as revealed in an article entitled ''Rethinking 'harm reduction' for Glasgow addicts,'' Glasgow leads the United Kingdom in deaths from heroin overdose, and the incidence of AIDS is rising.xix(19)

In Boston, illegal NEPs were encouraged after the well-known, long-time needle provider Jon Stuen-Parker was acquitted in 1990 amidst much media publicity.xx(20) Then in July 1993, NEPs were legalized, and the city became a magnet for heroin. Logan Airport has been branded the country's ''heroin port;''xxi(21) Boston leads the nation in heroin purity (average 81%); and heroin samples of 99.9% are found on Boston streets.xxii(22) Boston now has the cheapest, purest heroin in the world and a serious heroin epidemic among the youth.xxiii(23) The Boston NEP was supposed to be a ''pilot study'' but there was no evaluation of seroconversion rates in the addicts nor of the rising level of heroin use in the Boston area.xxiv(24)

Similarly, the Baltimore NEP is praised by those who run it, but the massive drug epidemic in the city is overlooked. For instance, the National Institutes of Health reports that heroin treatment and ER admission rates in Baltimore have increased steadily from 1991 to 1995. ''At one open-air drug supermarket (open 9 a.m. to 9 p.m.) customers were herded into lines sometimes 20 or 30 people deep. Guarded by persons armed with guns and baseball bats, customers are frisked for weapons, and then allowed to purchase $10 capsules of heroin.''xxv(25) Baltimore's mayor Kurt Schmoke is a pro-drug legalizer on the Board of the Drug Policy Foundation. He favors not only NEPs but also heroin distribution.xxvi(26)

Any societal intervention which encourages drug use will also result in increased AIDS rates. It is important to note that needle sharing is not the only way drug users

are infected with AIDS since they are at high risk for acquiring AIDS sexually through promiscuity or prostitution. For instance, a study of non-needle using NYC crack addicts showed a high incidence of HIV/AIDS.xxvii(27) Addicts often fund their addiction through prostitution and trading sex for drugs. Furthermore, addicts commonly support their habit by selling drugs to other addicts, and by recruiting new addicts. They target the youth, often providing free samples and free needles to hook their clients. By enabling addicts to stay addicted, NEPs serve to increase the numbers of new young addicts.

Recently, many communities have been attempting to defeat these NEPs before they start or to close them once they have started. In Willimantic, Connecticut, community opposition to its NEP arose as many discarded needles were observed along with increased open drug use. One man, having received needles from NEP, fatally overdosed after his friend unsuccessfully tried to get help from the exchange. Also, a toddler was stuck by a needle discarded near the NEP which was finally shut down. xxviii(28) In New Bedford, Massachusetts, there was a referendum, and the people voted down NEPs by a margin of over 2–1. xxix(29) A 1997 survey done by the Family Research Council found that Americans overwhelmingly oppose NEPs and believe giving an endless supply of needles to drug addicts is irresponsible, representing an official endorsement of illegal drug use which encourages teenage drug use.

RATHER THAN ENCOURAGE DRUG USE, TREATMENT SHOULD BE MANDATED

By providing needles to addicts, NEPs enable the addict to continue self-destructive illegal behavior. With regard to treatment outcomes, NEPs should be compared to mandatory treatment programs, such as drug courts, which serve to force addicts into treatment whether they are ''ready'' or not. An addict under the influence of a mind-altering drug does not think clearly and may overdose before he/she ever concludes that treatment is the best choice. Indeed, most persons in treatment are there because of an encounter with the criminal justice system, and studies show that involuntary treatment works as well as voluntary treatment. Thus addiction specialist Dr. Sally Satel writes that ''For Addicts, Force is the Best Medicine.'' xxx(30) Even worse is the fact that, as pointed out by addiction expert Dr. James L. Curtis, NEPs often serve to lure recovering addicts back into injecting drug use. xxxi(31)

Since outreach/education programs and mandatory treatment programs are safe and effective in preventing both drug use and HIV/AIDS, these programs should be encouraged and funded. NEPs should be discontinued since they are not safe or effective and since they result in increased drug use and HIV/AIDS.

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Mr. Speaker, my friend, the gentleman from Georgia (Mr. BARR), has done a lot of work in this area.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I yield to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman from Colorado for yielding. I also thank the gentleman from Illinois, the distinguished Chairman of the Subcommittee on National Security on which I have the honor of serving and which has really been on the forefront on the war against mind-altering drugs, both here domestically as well as in the international manifestations.

We have, in recent years, as we know and, Mr. Speaker, as you know, become a Nation deeply concerned with the messages that we, as adults, send to our children. We yearn for the athlete whose poster hangs above our child's bed to be as good a citizen as to be a ball player. We want our teachers to practice what they preach, and we want our government to provide an environment by which our children can truly learn safely.

Unfortunately, our government, at the direction of the President, is failing miserably. Drug use among America's children is on the rise. This was confirmed recently in a study, Substance Abuse and the American Adolescent, released by the National Center for Addiction and Substance Abuse at Columbia University.

What is more, surveys have found that 23.5 percent of 12-year-olds personally now know a drug user, whereas, 2 years ago, in 1996, 10.6 percent of 12-year-olds personally knew a drug dealer. That is an increase of 122 percent. Drug overdoses and emergency room treatment of drug patients are also increasing.

Now, Mr. Speaker, the President and his Secretary of Health and Human Services would have us believe that giving needles to drug users is sound policy and good for our Nation's children. This is pure lunacy.

In the wake of this ill-advised policy, we now have evidence that America's children are drinking, smoking, and using mind-altering drugs at the youngest ages ever.

The war on drugs should only be thought of in one way, a war for the very lives of our children. I am constantly dismayed that many of our colleagues on the other side of the aisle who rarely introduce legislation without claiming that it is for America's children would support any legislation or initiatives that in any way encourage drug abuse, particularly since initiatives have proved to be destructive in other nations that have similarly experimented with the lives of their

children. Mr. Speaker, we must never experiment with the lives of children in America.

As the distinguished subcommittee chairman indicated, Switzerland has gone through this very same policy with devastating results. I had the opportunity just last year to visit Switzerland where such an experiment has taken place. It has failed. Drug use in Switzerland has not decreased. It has increased. America will rue the day when you can walk down a city street in Atlanta or Washington or Indianapolis or Boulder and next to a Coke machine find a machine that distributes needles or, more accurately, death in a box, indiscriminately, to any man, woman, or child, with the only qualification to getting that out of the machine is that you are tall enough to drop the coins into the slot.

The proponents of this medicinal use of marijuana or needle exchange programs which, as the distinguished subcommittee chairman said, is really a needle giveaway program, know that this is simply the first step towards legalizing drugs in our Nation. For our children, this must never happen.

In Switzerland each year, their needle distribution programs have given out more, not fewer drug needles. It does not take a rocket scientist to conclude that more, not fewer people, are using drugs under the Swiss experiment. Of course, the initial logic behind these distribution programs was suspiciously benign: to help combat the spread of HIV.

In 1986, the Swiss started a needle exchange program in a park in Zurich. In the beginning, they exchanged about 300 needles a day. By 1992, that number had swelled to 12,000. We should not, we must not be fooled.

This is part of a strategy to legalize drugs in the United States. First, it starts with needles. Then it moves to distributing the drugs. To be sure, there will be some clever reason why this should be done. There is always an excuse, always a rationale.

Were I to support this needle giveaway program, how could I or any of us ever look a mother in the eye who comes to us in a town hall meeting or visits us in our office and says to us that her child is shooting up drugs and what can we do to help? How could any of us tell that parent that that needle that child is using could be a needle that was bought and paid for by our government? Her tax dollars at work, in the hands of her child, in the form of a needle, containing a recipe for death. What a cruel twist of fate.

Mr. Speaker, there can be no compromise in the lives of our children. As the saying goes, the buck does stop here. Not one single penny of Federal tax dollars, not one should ever be used to help addicts continue their destructive and deadly work on the streets, in the homes, in the schools, and in the businesses of these United States of America.

Mr. Speaker, I appreciate the gentleman from Colorado for yielding, and I want to once again thank the gentleman from Indiana for the distinguished leadership that he has provided as chairman of the Subcommittee on National Security.

If the gentleman from Colorado would continue to yield, Mr. Speaker, I want to insert into the RECORD with my remarks the following editorial which appeared on April 22, 1998, by James L. Curtis in the New York Times, entitled Clean But Not Safe.

Mr. Curtis is a professor of psychiatry at Columbia University's Medical School and the director of psychiatry at Harlem Hospital. He has written a very eloquent, very eloquent, indeed, opinion piece on this matter which he concludes as we do here that needle exchange or needle giveaway programs are not a cure. They are simply one more way of getting death and destruction into the veins of our citizens.

The editorial is as follows:

[From The New York Times, Apr. 22, 1998]

CLEAN BUT NOT SAFE

(By James L. Curtis)

Donna Shalala, the Secretary of Health and Human Services, wanted it both ways this week. She announced that Federal money would not be used for programs that distribute clean needles to addicts. But she offered only a halfhearted defense of that decision, even stating that while the Clinton Administration would not finance such programs, it supported them in theory.

Ms. Shalala should have defended the Administration's decision vigorously. Instead, she chose to placate AIDS activists, who insist that giving free needles to addicts is a cheap and easy way to prevent H.I.V. infection.

This is simplistic nonsense that stands common sense on its head. For the past 10 years, as a black psychiatrist specializing in addiction, I have warned about the dangers of needle-exchange policies, which hurt not only individual addicts but also poor and minority communities.

There is no evidence that such programs work. Take a look at the way many of them are conducted in the United States. An addict is enrolled anonymously, without being given an H.I.V. test to determine whether he or she is already infected. The addict is given a coded identification card exempting him or her from arrest for carrying drug paraphernalia. There is no strict accounting of how many needles are given out or returned.

How can such an effort prove it is preventing the spread of H.I.V. if the participants are anonymous and if they aren't tested for the virus before and after entering the program?

Studies in Montreal and Vancouver did systematically test participants in needle-exchange programs. And the studies found that those addicts who took part in such exchanges were two to three times more likely to become infected with H.I.V. than those who did not participate. They also found that almost half the addicts frequently shared needles with others anyway.

This was unwelcome news to the AIDS establishment. For almost two years, the Montreal study was not reported in scientific journals.

After the study finally appeared last year in a medical journal, two of the researchers, Julie Bruneau and Martin T. Schechter, said that their results had been misinterpreted. The results, they said, needed to be seen in the context of H.I.V. rates in other inner-city neighborhoods. They even suggested that maybe the number of needles given out in Vancouver should be raised to 10 million from 2 million.

Needle-exchange programs are reckless experiments. Clearly there is more than a minimal risk of contracting the virus. And addicts already infected with H.I.V., or infected while in the program, are not given antiretroviral medications, which we know combats the virus in its earliest stages.

Needle exchanges also affect poor communities adversely. For instance, the Lower East Side Harm Reduction Center is one of New York City's largest needle-exchange programs. According to tenant groups I have talked to, the center, since it began in 1992, has become a magnet not only for addicts buy for dealers as well. Used needles, syringes and crack vials litter the sidewalk. Tenants who live next door to the center complain that the police don't arrest addicts who hang out near it, even though they are openly buying drugs and injecting them.

The indisputable fact is that needle exchanges merely help addicts continue to use drugs. It's not unlike giving an alcoholic a clean Scotch tumbler to prevent meningitis. Drug addicts suffer from a serious disease requiring comprehensive treatment, sometimes under compulsion. Ultimately, that's the best way to reduce H.I.V. infection among this group. What addicts don't need is the lure of free needles.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I yield to the Majority Whip, the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding.

I really appreciate the gentleman for taking this special order and allowing us to participate, and I really appreciate my Chief Deputy Whip for all the fine work that he has done on drug abuse. Everybody that has spoken, I greatly appreciate it. I want to just take a few minutes, if I could, to express my opinion about the drug war and the lack of emphasis that the White House is making.

You know, when a mother sends her son off to a foreign war, she worries ceaselessly about his safety. Yet, every day, millions of mothers put their children on a school bus and send them off into a domestic drug war zone. Teen drug abuse has reached epidemic proportions. And few places, least of all the classroom, are safe havens from this insidious modern plague.

Let us not mince any words here. Drugs are everywhere. They are in the lockers and bathrooms and playgrounds of America's children's schools and parks and on the streets of our towns. Their poison, no longer confined to the inner city, has burst the damn and flooded the suburbs.

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Marijuana and hard narcotics are no longer the province of beatniks, punks and gangsters. The new drug abusers look a lot like Beaver Cleaver. Truth is, drug users do not just look like your son or daughter, drug users may very well include your son or daughter.

So, Mr. Speaker, the facts speak for themselves.

Overall teenage drug use has nearly doubled, nearly doubled in the 1990's, and perhaps most frightening of all,

nearly half of all 17-year-olds say that they could buy marijuana within an hour, and that is according to a survey by Columbia's highly respected Center for Addiction and Substance Abuse. For those under 18, marijuana has become as accessible as beer or cigarettes, and with the President who did not inhale and a generation of baby boom parents nostalgic about their own youthful drug use and who too often considered marijuana benign, our children have been getting mixed messages for years.

It does matter, character does matter. That is not to say that President Clinton or any national figure can be held individually responsible for the drug habits of our children, but the Clinton administration has made the fight against drugs its last priority and then abandoned ship mid-storm. No wonder teen drug use is on the rise.

Wherever American children turn, in the schools, in the neighborhoods, parties, movies, rock concerts, even at home where household products can double as inhalants, they will find drugs available. Children rate drugs their No. 1 problem, and every single child in America is at risk of falling prey, regardless of race, ethnicity or economic status.

So where is our war on drugs? Where is our political courage? Where is our sense of responsibility? Where is our leadership? Where is our shame?

Too often we find that people who should be leading us out of this crisis are leading us deeper and deeper into it. Just this week Bill Clinton, the President of the United States, publicly embraced the outrageous practice of supplying hypodermic needles to drug abusers. On the one hand he wants to take cigarettes away from teenagers, and on the other hand he wants to give them condoms and needles.

What kind of anti-drug policy is that? Instead of providing those addicted to drugs with assistance in kicking their habits, Bill Clinton is actually promoting the practice of providing drug addicts with the necessary tools needed to sustain their addiction. The issue is not whether our children are going to be tossed into the sea of drugs; the issue is how we will teach them to swim while we drain the pool.

But there is a solution, multiple solutions in fact. We wish to solve the drug crisis. We will start with the family. If we want to solve the drug crisis we will start with the family and the school and with our churches and synagogues. Teens with families that eat together, play together and pray together are the ones least likely to try drugs. Teens with parents who assume responsibility for their children and do not blame society at large, teens who have an active religious life, these are the teens least likely to use drugs.

Now, unfortunately there is an ever-increasing minority of our children. If the battle against drug abuse is waged at home, the war is only half won. Parents and children must also demand that their schools and their communities be made drug-free and take the actions necessary to keep them that way.

We need to encourage kids to report drug dealers to their teachers even when those drug dealers are their classmates. We need to empower teachers so that when they know who the drug dealers are there is actually something they can do about it, and we must demand absolute accountability and zero tolerance by principals for any drug use on school grounds whatsoever. Only when our teachers and principals are enlisted in the anti-drug effort can we make our schools truly drug-free.

The good news is that our children seem ready to enlist. More than 80 percent say that if their classmates went along they would make a pledge promising not to smoke, drink or use illegal drugs at school.

Now some communities should consider assigning a full-time police officer to each school. They could walk the hallways like they would walk the beat, passing lockers, checking the parking lot, becoming a presence in the cafeteria. It is happening in some places already and it is working. Officers are bonding with the students because the students know that the cops are there to help. The drugs are kept out of the school and the kids are kept out of harm's way.

Now there is even a role for the Federal Government. We can be more aggressive in guarding our borders, we can be more proactive in helping our neighbors to the south with their anti-drug efforts, as the gentleman from Illinois (Mr. HASTERT) is so good at doing, and we can be more vigilant in our policing, arresting and prosecution of anyone, anyone who sells this poison to our children.

But it is time for the policy-makers to acknowledge to parents and their children that while Washington must use the bully pulpit to set an example, the drug crisis cannot be solved here in Washington. It must be solved in an our homes, in our schools, in our neighborhoods, and in every other place where children make decisions about whether or not to use illegal drugs.

It is time for parents to say, ''We're mad as hell and we're not going to take it any more.'' It is time for them to send their kids a unequivocal message that they do not want them to try marijuana or any other illegal drugs and they will not tolerate it if they do. There is nothing wrong with being judgmental when it comes to the lives of our children, and I call upon every parent, Mr. Speaker, every parent to be intolerant and judgmental when it comes to drug use. It is time for parents to exert tough love for their children before these children become a physical threat to themselves and society at large.

And it is time for us to take a stand against those in the community that preach the life-threatening notion that drugs are harmless. Shame on the entertainment industry for glorifying drug abuse. Shame on the sports stars who use drugs and fail to live up to their responsibility as role models. Shame on the drug legalizers who profit from addicting innocent children and citizens. And, yes, I even say shame on us, the parents, the teachers, the principals and the politicians who have passed the buck and turned a blind eye for too long.

For the sake of our children we cannot afford to be shy any longer about calling drug abuse what it is, a moral crisis that must be addressed both immediately and over the long term. Drug use is wrong because it is immoral, and it is immoral because it enslaves the mind and destroys the soul. People addicted to drugs neglect their duties, their family, their friends, their education, their jobs, everything important, noble and worthwhile in life. In the end the drug problem is nothing so much as a manifestation of weakness, weakened families, weakened communities, weakened institutions.

People turn to drugs in an attempt to escape the realities of life with all its richness and suffering. Drugs may numb the pain, but they also flatten the world and cause it to lose all texture.

The question that the drug crisis poses is no less than the question of our civilization's future. Can humanity survive freedom and influence? Can we meet the challenge of liberty or must we, absent political bonds, find a way to enslave ourselves chemically? I decline to accept the dim view that man cannot retain the old virtues, the old values in this modern age. I decline to accept the notion that humanity is not suited for freedom.

America can overcome the drug problem, but it will not simply go away on its own. No, the cure for drugs lies in the hearts and the minds of America's families and communities. It is time for us to act.

By combining national leadership with community activism, we can and we will save America, one child and one neighborhood at a time. Working together with the American values of family, faith and sacrifice close at hand, we can ensure that the lives of our children are safer, more productive and free of the drugs that cripple their minds and destroy their souls. They, our legacy, deserve nothing less.

I appreciate the gentleman from Colorado taking this special order and the gentleman from Illinois for all the fine work that they have done in this regard. It is just a shame, as far as I am concerned, that our own President and our own administration seems to care less about what is happening to our children when it comes to drugs.

Mr. BOB SCHAFFER of Colorado. I have about a minute left, and I yield to the gentleman from Illinois.

Mr. HASTERT. Mr. Speaker, I appreciate the gentleman from Colorado yielding time to me, and the eloquence of the whip from Texas, a very nice presentation.

But the sad story is that we have 20,000 people who die of drugs in this country every year, 14,000 directly from drugs. They die because of overdose, they die because of gang violence. They are our kids. They are dying today at our street corners in the darkest parts of our cities. We should not help them die. We should work to stop the drug menace in this country.

BELLA ABZUG, A WOMAN AHEAD OF HER TIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. NADLER) is recognized for 60 minutes.

Mr. NADLER. Mr. Speaker, I am honored to represent most of the district once represented by the late Bella Abzug in Congress, and as such I come forward today together with my friend from the District of Columbia and with the Congressional Women's Caucus to say a few words about a departed legend. I would like to thank Congressman OWENS of New York for so kindly giving us this special order time which he had reserved.

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Not only was she driven to do the right thing, but she demanded the same of everyone she came in contact with.

She was not expected to win her 1970 campaign for the House. I remember when she ran the first time, I campaigned for her. I just graduated from college; we had run against the same incumbent every 2 years since 1962, and we lost in 1962, and we lost in 1964. We lost in 1966; we lost in 1968; and no one expected any different in 1970.

But Bella changed the mode. Bella didn't just try to get out her vote and up the percentage a few percentage points and hope that more of our vote would come out than theirs. Bella went into the opposition stronghold and cracked it, and made them vote for her and changed the whole tone and the whole model of politics in lower Manhattan.

I remember the astonishment when she won that June day in 1970. She changed the mode and the model of how New York politics was looked at.

Then she got here, and, of course, she made an immediate impression. It is hard to realize, she was such an inspiration to an entire generation. She made such an impression that we still remember today that it is hard to realize she served in this House for only three terms, for only 6 years.

But in that time, what a difference she made, what a difference she made for the emerging feminist movement, what a difference she made for the rights of women, for civil rights, for civil liberties, for social justice, for the struggle for economic justice. What a boost she gave to the opposition to an unjust war in Vietnam, and what a difference she made in so many different subjects.

People remember her as a great speaker, and a great leader, and a great expositor, and a great example. But sometimes I think they do not remember that she was also a great legislative crafts person.

She, for example, crafted the interstate transfer amendment under which 32 States gained billions and billions and billions of dollars for mass transit systems from highways whose construction they had changed their minds about. And she enabled them to trade in unwanted highways on the map for new mass transit systems, or for improved mass transit systems.

In my own city of New York, we got $1.7 billion for the mass transit system by trading in the West Way Highway, about which city and State government changed their minds.

So she was a great legislative crafts person, and she was a great leader on a host of issues. And she never, never thought that enough was enough.

I remember whenever I would talk to her, she would say to me, are you doing enough? Are you doing enough? Whatever it was I was doing, are you doing enough?

And then occasionally, almost begrudgingly, very occasionally, she would say, well, you are doing okay. And I would leave our conversation feeling as if I had received the greatest compliment one could ever receive.

That is one of my memories of Bella, and I am sure many Members of Congress have others they would like to share. That is why we are holding this special order so that those of us who still remain at this late hour can come forward and give former Representative Bella Abzug the tribute which is surely her due.

Let me add one other thing. She made as great a contribution to the people of this country, to the people of this world, after she left the House, and unfortunately she was not elected to the Senate, but after she left the House, as she did before. As the Representative of the United States to the United Nations, to various conferences, to women's conferences, abroad, she made a great contribution, and it will be long remembered.

Finally, regarding my colleague, I can only conclude with this: When Bella Abzug left this House, this chamber became a poorer place. Likewise, with her passing, the world became a poorer place, though all of us are immensely richer for her presence on this planet.

Mr. Speaker, it is now my pleasure to yield to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank my colleague, the gentleman from New York (Mr. NADLER), for yielding, and I thank the gentleman for organizing this special order for Bella Abzug.

Perhaps it was fitting that we lost one of the world's greatest women's rights leaders at the end of March. March was Women's History Month. It was a time when we recalled the great contributions made by women for women, and Bella, my friend and my mentor, was a great contributor.

I would like to say that Bella Abzug will not only be remembered for her flamboyant, colorful hats, but for what was under them; her wonderful mind and the voice with which she spoke it and her inspired heart.

I am deeply indebted to Bella, and I know many women feel the same way. But I also know that there are many young women who may just take Bella's work and the work of other women before them for granted. I invite them to get to know Bella's memory, because without it we could lose ground. If we begin to take her hard-fought victories for granted, we will lose sight of the work that lies ahead.

There is not an American woman alive today who does not command more respect or enjoy more opportunity as a result of Bella's work. Because of Bella Abzug, women today stand a little taller, walk a little prouder, and accept nothing less than what they deserve.

Bella broke through barriers; she shattered glass ceilings, she rattled cages, and she set women free. Even in her last years when she was confined to a wheelchair, no woman stood taller in the fight for women's rights, for women's equality, than Bella Abzug.

Bella was a pioneer on so many levels. She was a legislator, a peace activist, a labor lawyer, a lecturer, a news commentator, a civil liberties advocate, and the first woman to be elected to Congress, not under the banner of a particular party, but on a banner based on women's rights and a peace platform.

She cofounded the National Women's Political Caucus, which celebrates this year its 21st anniversary. She coauthored the Freedom of Information and Privacy Acts. She cast one of the first votes for the Equal Rights Amendment, which still has not been enacted into law in this country. She presided over the Women's Congress for a Healthy Planet. She organized the first National Women's Conference in Houston, Texas, and organized this past year the 20th anniversary of remembrance of the accomplishments of that conference. She authored Women's Equality Day, and she cofounded the Women's Environment and Development Organization.

She had an impressive resume. However, the whole of Bella's life was much more than the sum of its parts. She is now a historical figure, a cultural icon. She changed how people thought, how they looked at the world, and how they lived their lives.

Bella was a firebrand orator. One of my favorite Bellarisms goes like this: ''Women will change the nature of power, rather than power changing the nature of women.''

She proclaimed just last year, ''We are building a women's movement, and we have been making it larger and

larger. It is worldwide. It is where it has never been before.''

She was building a worldwide network because she could. She was a consummate organizer. She was always pushing the envelope, always trying to do more, and challenging others to do more. I suspect by now Bella has already demanded a meeting with God and has begun to try to reorganize heaven. If she were with us here today, she would tell us not to mourn, but to organize and to mobilize, and she would be right. We can never forget Bella Abzug or her works or her funny charm, but our best vehicle for remembering her will be to carry on her work.

Her sense of outrage must become ours. Her commitment to reaching out to our Nation's younger women must become ours. Her courage, her vision, her wit and her boundless energy must become ours. After all, these are the things she left us. We must take them as gifts and use them to advance the cause of women in America around the world.

Mr. NADLER. Mr. Speaker, we had a number of other speakers, about eight or nine other speakers, who, because of the lateness of the hour and the arrival of other events of the evening, who had planned to.

Ms. LEE. Mr. Speaker, as one of many friends and longtime admirers of Bella Abzug, I rise today to pay tribute and express my heartfelt admiration and respect for this exceptional woman. Bella Abzug was truly loved by many in the world who were positively impacted by her groundbreaking work on a myriad of crucial progressive issues.

The first time I met Bella I was working for my predecessor, the Honorable Congressman Ronald V. Dellums. Bella and Ron worked closely on a number of progressive causes, remaining at the forefront of peace, social, and economic justice issues, as well as efforts to normalize relations with Cuba.

Bella was a true pioneer. She had a brilliant mind, and her tireless efforts over the decades to build diverse coalitions and protect the civil rights of women, the poor, and people of color throughout the world will long be remembered and respected. Her most recent efforts through the Women's Environment and Development Organization, which she co-founded, have permanently changed the impact that all non-governmental organizations have on policy making. Her influence was truly global.

A great strategist for the advancement of feminist issues, Bella's unyielding dedication to gaining access to political power for women was also remarkable. Personally, I was a fortunate recipient of her encouragement, guidance, and a political knowledge from the time I began my public service. The last time I spoke with Bella was at a fundraiser for my California State Senate Race. Her involvement at this event is an example of her continual energy and support, for which I will be forever grateful. For me, Bella has been a truly inspiring mentor and role model.

I am proud to join my colleagues I paying tribute to and expressing my admiration for this superwoman. I am honored to have been able to call Bella a friend. It is my hope, that as I travel this new road, I will in some small way be able to keep her spirit and tenacity alive by continuing the ongoing struggle to remove barriers which prevent women and people of color from participating fully in society.

Bella, I know you are watching and listening. We all love you, and we truly miss you.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am honored to rise today to honor the memory of former Congresswoman Bella Abzug, who made such significant contributions to this House and to America's least represented people. Bella dedicated her life to public service, fighting particularly hard for the rights of women and minorities, even before such fights were popular or politically wise. Her death, just weeks ago on March 31, 1998, at the age of 77, is mourned by friends, former colleagues in this body, and those of us who simply admired her work.

Bella Abzug, the daughter of immigrant parents, made a habit of breaking through barriers and accomplishing the unlikely. Bella earned a law degree from Columbia University in 1947, which at that time was an accomplishment in and of itself for a woman. Bella used her law degree to fight for those who needed her assistance most: union workers, civil rights litigants, and minority criminal defendants in the South. Much of her work was done pro bono, or for a minimal fee.

Bella Abzug is perhaps best known for her contributions to the civil rights movement. During the 1950s, she counseled tenants and minority groups and helped to draft legislation that was incorporated into the Civil Rights Act of 1954 and Voting Rights Act of 1965.

Bella's efforts to ensure peace and end the war in Vietnam are also well known. Columnist Jimmy Breslin once remarked about the peace movement that ''Some came early, others came late. Bella has been there forever.'' After the withdrawal of American troops from Indochina, Bella turned her attention towards banning nuclear testing and encouraging disarmament, mostly through the organization she founded, Women Strike for Peace.

Fortunately for the residents of New York City, Bella Abzug decide to take her passion and enthusiasm to a public office. Running with the slogan ''This woman belongs in the House''—the House of Representatives—in 1970, Bella was easily elected to this body for two terms as the Representative from New York's Nineteenth Congressional District. She served as chair of the House Subcommittee on Government Information and Individual Rights, conducting inquiries into covert and illegal activities by agencies of the federal government, and helping to produce the ''Government in the Sunshine'' law which gave the public great access to government records. While here in Congress, Bella often amazed and aggravated friends and opponents alike with her brash speaking style and passionate devotion to issues.

After leaving Congress, Bella continued to serve her government in appointed positions, and assisted with the creation and expansion of organizations that encourage women to achieve equality through economic, social, and political empowerment. In 1994, she was inducted into the National Women's Hall of fame in Seneca Falls, New York, where the first women's rights conference was held in 1848. The Congressional Caucus for Women's Issues has requested that the Speaker send a Congressional delegation to the 150th anniversary celebration of that conference later this year. Certainly, if such a delegation is sent, Bella Abzug's presence will be felt and recognized.

Bella was a key organizer of the Fourth World Conference on Women, held in Beijing just three years ago. During that conference, the international audience presented her with numerous awards and accolades that recognized her longstanding devotion to the needs and rights of women, particularly minority women.

Bella Abzug's dedication to the needs of women and minorities, and her willingness to fight those who were not similarly devoted, should stand as a model of effective nonconformity in this age when compliance and compromise reign supreme. I, along with other women and minorities in this body and in America in general, thank Bella for her time and effort, and assure her that her work, and the work of so many others like her, will continue.

While I certainly appreciate the opportunity to appear here today and speak warmly of Bella, we must do more. The most fitting tribute we can bestow upon Bella Abzug is to prove her prophetic: in 1996, she said that in the 21st century, ''Women will change the nature of power, rather than power changing the nature of women.'' Let us all, here in this House and beyond, ensure that this is the case—not only for the good of this nation and its peoples, but in memory of women like Bella who paved the way.

Ms. VELAZQUEZ. Mr. Speaker, I rise today to mourn the passing of a truly remarkable woman. In fact, across America, if not the world, women mourn the passing of Bella Abzug. It goes without saying that she was a pioneer. She was certainly more than just the first Jewish woman elected to Congress. She was at the forefront of a movement that said that women were capable of anything.

To put the achievements of this great woman in perspective, she was born in the year that women gained the right to vote. She earned her law degree from Columbia University in 1944, one of seven women to graduate in a class of a hundred twenty. In 1970, Bella Abzug was one of three new women Members of Congress, bringing the total number of women serving this institution to twelve. Yesterday, two more women became Members of the House of Representatives, bringing the total to fifty-five.

Of course, Bella Abzug did not come to Congress to rest on her laurels. Bella came to this town to make a difference, and it's safe to say that Washington has never been the same. Bella did not understand that in 1971 women Members of Congress were supposed to take a back seat to their male counterparts. She did not understand that there were two

sets of rules—and she cheerfully, boldly, bravely violated those rules if that's what it took to bring about change. On her first day as a Member of Congress, she introduced a resolution to end the war in Vietnam. Never mind that this sort of bold act was just not done in those days—she did it because it was the right thing to do.

She was candid, visionary, and her presence in this chamber made it possible for an entire generation of women to achieve success in a world from which they had been largely excluded. Bella once said, quote, ''Women have been trained to speak softly and carry a lipstick. Those days are over, unquote.'' Yes, thanks to Bella Abzug, those days are over.

And so, I join my colleagues, men and women, in expressing my deep sadness at the passing of this extraordinary woman. Bella Abzug will be terribly, terribly missed.

Mr. TOWNS. Mr. Speaker, I rise today to honor the achievements of my former colleague, Bella Abzug, the ''Queen of New York.''

Throughout her illustrious career in public service, she was a zealous advocate for all. This New York Democrat was truly a woman who dared to be different. As a Member of Congress, labor lawyer, civil-liberties advocate, and peace activist, Bella used her special talents to give ''voice'' to many causes.

From her first day on the floor of the House of Representatives when she protested the Vietnam war to her recent efforts to promote a ''safe and sustainable'' global environment, she gained the respect of the world. I am truly honored to have known the regal Bella Abzug.

Mr. Speaker, please join me in honoring the memory of my dear colleague, Bella Abzug. Her indelible mark on this nation will be remembered for a lifetime.

Mr. RANGEL. Mr. Speaker, as we mourn the death of our former colleague, Bella Abzug, I would like to pause to reflect and celebrate the life of an extraordinarily gifted human being.

I have fond memories of Bella Abzug and admire so many of the principles which guided her as she struggled to make the world a more humane place. I think about the unpopular causes she championed during the 1950's for civil rights. A specialist in labor law, she worked ''gratis'' for union groups, workers in the fur industry, restaurant workers, auto workers, and the first rank-and-file longshoremen strikers.

A large portion of her work outside of the labor field was done ''pro bono,'' or for a minimal fee, for civil rights and civil liberties litigants. She was the chief counsel in the two-year appeal of Willie McGee, an African American man convicted of raping a white woman and sentenced to death. The case drew worldwide attention, and some Southern newspaper editorials attacked McGee's ''white lady lawyer'' in language meant to incite racism and hatred between groups.

Bella argued passionately, and challenged the injustice of excluding Blacks from juries and applying the death sentence for rape virtually exclusively to Blacks. Although her arguments fell on deaf ears and McGree was executed in Mississippi in 1951, the case was an example of Bella's compassion and lifelong commitment to the underdog. She helped to draft legislation that was incorporated into the Civil Rights Act of 1954 and the Voting Rights Act of 1965. An advocate of free speech during the 1960's she was a leader in the movement for women's rights, an opponent of the Vietnam War, and a supporter of environmental issues.

When we entered the Congress together in January of 1971, Bella was certainly no wallflower freshman. If her feisty, raspy-throated speeches didn't attract attention, her trademark hats certainly did. They were a throwback, she said, to her early days as one of the New York City's few female lawyers.

Bella came in demanding appointment to the House Armed Services Committee—a choice assignment seldom awarded to a freshman Representative. The last woman to serve on the committee had been Margaret Chase Smith, an outspoken critic of the military, in 1949. Although Bella failed at her attempt to secure a seat on the Armed Services Committee, she served effectively on the Government Operations and the Public Works Committees. Time and time again, she proved that regardless of the capacity in which she served, her presence would be felt, her voice always heard. Bella could not be silenced or contained against her will.

One of 15 women serving in the House of Representatives in 1971, and the first woman of Jewish descent to serve in Congress, Bella relished her reputation as a ''brash and brassy'' New Yorker. In 1998, we now have 55 women in the House of Representatives. Although Bella might say that we can do better, I think she was pleased and proud of the progress that was made during her lifetime.

Bella Abzug was truly a visionary, passionate, committed trailblazer, and a compassionate leader. She was also my friend. May she rest in peace.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay special tribute to one of our great leaders, Congresswoman Bella Abzug. I was deeply saddened to hear of Ms. Abzug's passing last month and would like to take this opportunity to recognize her many accomplishments.

Over the years, Congresswoman Abzug worked diligently to improve the status of women. Not content to work only on the behalf of the State of New York, she concentrated on issues such as the environment, civil rights, gay rights, education, affordable healthcare and many other issues of national concern.

This highly visible Congresswoman served as a member of the Committee on Public Works and Transportation and chaired the Subcommittee on Government Information and Individual Rights. She helped create the ''Government in the Sunshine Law'' which allows the public to have greater access to government records. In addition, during her service in Congress, she was able to help pass several laws that target and prevent sex discrimination. Without a doubt, the country is a much better place for women and men alike because of her leadership in Congress over the years.

Outside of her congressional career, Ms. Abzug led the way in improving the status of women. In 1971, Abzug co-founded the National Women's Political Caucus. As a firm believer in economic, social and political equality for women, she was appointed co-chair of the National Advisory Committee for Women. In 1995, she helped organize the Fourth World Conference on Women held in Beijing; during that conference she received many awards and accolades. As a crusader in the civil rights movement, Ms. Abzug expressed her opposition to the exclusion of African-Americans from juries and their receipt of harsher criminal sentences. During the 1950's, she helped draft legislation that was incorporated into the Civil Rights Act of 1954 and the Voting Rights Act of 1965.

Yesterday, in welcoming BARBARA LEE and MARY BONO as new Members of the House, many speakers noted the unprecedented number of women now serving in Congress. All of the women Members of Congress owe a large debt of gratitude to Bella Abzug, the woman who trail blazed the path for us.

Bella Abzug followed her heart and was always a crusader for just causes. We have lost a valuable colleague and role model and I will always remember her as one of the most influential women of the world. I am confident that her wisdom and spirit will be continued and remembered by all.

Mr. MANTON. Mr. Speaker, I thank the gentleman, my friend and colleague from New York, Mr. NADLER, for organizing this evening's special order in honor of Bella Abzug.

Mr. Speaker, with the recent passing of Congresswoman Abzug, this House, and indeed the Nation, has lost one more personal link to our Nation's history.

Bella is probably best known to the average citizen for her role as a Congresswoman during the rather tumultuous period of the 1970's. But, as the Speaker and many of Colleagues know full well, Bella was much, much more than simply that ex-Congresswoman from New York City who wore outlandish hats.

Bella's long and distinguished career of public service spanned many decades and a multitude of activities. In many respects, she was busier and had a greater impact on her community, the Nation, and, indeed the world, after leaving the House of Representatives. Her undying, total dedication to the causes she believed in will live on for many years to come.

Bella Abzug was an attorney, author, lecturer, environmentalist, news commentator, and, perhaps most of all, a lifelong activist. Of course, no matter what ''hat'' she was wearing, Bella was always a strong and vocal defender of women and women's rights throughout the world.

Mr. Speaker, it is no secret, and should not come as a shock or surprise to anyone who follows politics, that Bella Abzug and I were not close compatriots fighting in the trenches together. We came from different wings of the Democratic Party. Quite frankly, we were not often in agreement on many a matter or how best to address an issue.

Perhaps this difference, this diversity of opinions and methods, was an example of what makes the Democratic party so strong.

But, having said this, I was never prouder or more honored than to have been on Bella's side in opposition to the War in Vietnam.

Instinctively, the Liberal—and, this is not a pejorative term—Congresswoman from Manhattan and this moderate local politician understood the toll this war was taking on our Nation and our ''best and brightest.'' As a Congressman who's Woodside, New York, neighborhood lost the most servicemen in this war, I know full well that the position Bella and I took was the right and just one.

Mr. Speaker, regardless of your Party or political leaning, this House would do well to remember the dedication, hard work, caring, and

conviction of Congresswoman Bella Abzug. Not only did she strive to make the world a better place for all its people, she also succeeded.

GENERAL LEAVE

Mr. NADLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the tribute to Bella Abzug.

The SPEAKER pro tempore (Mr. WELDON of Florida). Is there objection to the request of the gentleman from New York?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DIXON (at the request of Mr. GEPHARDT) for Tuesday, April 21, and the balance of the week on account of medical reasons.

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Mr. TANNER (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a death in the family.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. SERRANO) to revise and extend their remarks and include extraneous material:

Mr. PALLONE, for 5 minutes.

Ms. WOOLSEY, for 5 minutes.

Ms. NORTON, for 5 minutes.

Mr. MENENDEZ, for 5 minutes.

Mr. COYNE, for 5 minutes.

Mr. BARRETT of Wisconsin, for 5 minutes.

Mr. SHERMAN, for 5 minutes.

Mrs. MALONEY of New York, for 5 minutes.

Mrs. CAPPS, for 5 minutes.

Ms. ESHOO, for 5 minutes.

Ms. CARSON, for 5 minutes.

Mr. KLINK, for 5 minutes.

Mr. MCGOVERN, for 5 minutes.

Ms. JACKSON-LEE of Texas, for 5 minutes.

The following Members (at the request of Mr. WHITFIELD) to revise and extend their remarks and include extraneous material:

Mr. GILCHREST, today, for 5 minutes.

Mr. PORTER, today, for 5 minutes.

Mr. HORN, today, for 5 minutes.

Mr. COX of California, today, for 5 minutes.

Mr. KINGSTON, today, for 5 minutes.

Mr. ROHRABACHER, on April 23, for 5 minutes.

Mr. BILIRAKIS, today, for 5 minutes.

Mr. MCCOLLUM, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SERRANO) to revise and extend their remarks and include extraneous material:)

Mr. KIND.

Mr. CONDIT.

Mr. KUCINICH.

Mr. PALLONE.

Mr. FILNER.

Mr. BARCIA.

Ms. EDDIE BERNICE JOHNSON of Texas.

Mr. LANTOS.

Mr. MENENDEZ.

Mr. HAMILTON.

Mr. SCHUMER.

Mr. KENNEDY of Rhode Island.

Mr. STARK.

Mr. DAVIS of Illinois.

Mr. LEVIN.

Mr. SERRANO.

Mr. CLAY.

Mr. DAVIS of Illinois.

Mr. EVANS.

Ms. HARMAN.

Mr. ANDREWS.

Mr. OWENS.

Ms. JACKSON-LEE of Texas.

(The following Members (at the request of Mr. WHITFIELD) and to include extraneous matter:)

Mr. WOLF.

Mrs. MORELLA.

Mr. RADANOVICH.

Mr. RIGGS.

Mr. CRAPO.

Mr. RILEY.

Mr. MCKEON.

Mr. GILMAN.

Mr. EVERETT.

(The following Members (at the request of Mr. NADLER) to revise and extend their remarks and include extraneous material:)

Mr. KENNEDY of Massachusetts.

Mr. HORN.

ADJOURNMENT

Mr. NADLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 42 minutes p.m.), the House adjourned until tomorrow, Thursday, April 23, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8579. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Department's final rule— Mediterranean Fruit Fly; Addition to Quarantined Areas [Docket No. 98–046–1] received April 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8580. A letter from the Congressional Review Coordinator, Animal Plant Health Inspection, transmitting the Department's final rule—Brucellosis in Cattle; State and Area Classifications; Alabama [Docket No. 98–036–1] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8581. A letter from the General Counsel, Corporation For National Service, transmitting the Corporation's final rule—Administrative Costs for Learn and Serve America and AmeriCorps Grants Programs [45 CFR Parts 2510,2516,2517,2519,2521 and 2540] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8582. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Missouri; Control of Landfill Gas Emissions From Existing Municipal Solid Waste Landfills [MO 053–1053a; FRL–6003–2] received April 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8583. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Deletion of Certain Chemicals; Toxic Chemical Release Reporting; Community Right-To-Know [OPPTS–400082D; FRL–5785–5] (RIN: 2070–AC00) received April 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8584. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to the Taipei Economic and Cultural Representative Office in the United States (Transmittal No. 08–98), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

8585. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—General Services Administration Acquisition Regulation; Requesting Debriefings At GSA And Electronic Sales Reporting And Schedule For Submission Of Reports And Fees For Industrial Funding Under Federal Supply Service Schedule Contracts [APD 2800.12A, CHGE 78] (RIN: 3090–AG71) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

8586. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures [Docket No. 980408088–8088–01; I.D. 040798A] (RIN: 0648–AK98) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8587. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments, Cape Falcon, OR, to Point Mugu, CA [Docket No. 970429101–7101–01; I.D. 032798B] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8588. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and

South Atlantic; Closure [Docket No. 970930235–8028–02; I.D. 032598D] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8589. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 970930235–8028–02; I.D. 032598E] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8590. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Texas Regulatory Program and Abandoned Mine Land Reclamation Plan [SPATS No. TX–040–FOR] received April 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8591. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Pennsylvania Regulatory Program [PA–112–FOR] received April 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8592. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Interim Guidance on Cost Sharing/Matching Requirements on the Award of Grants to Indian tribes Under Section 106 of the Clean Water Act for FY 1998— received April 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1309. A bill to provide for an exchange of lands with the city of Greeley, Colorado, and The Water Supply and Storage Company to eliminate private inholdings in wilderness areas, and for other purposes (Rept. 105–489). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUMP: Committee on Veterans' Affairs. H.R. 3603. A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1999, and for other purposes (Rept. 105–490). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee on Rules. House Resolution 408. Resolution providing for the consideration of the bill (H.R. 1252) to modify the procedures of the Federal courts in certain matters, and for other purposes (Rept. 105–491). Referred to the House Calendar.

Mr. SMITH of Oregon: Committee of Conference. Conference report on S. 1150. An act to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes (Rept. 105–492). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EVANS:

H.R. 3702. A bill to amend title 38, United States Code, to provide the Secretary of Veterans Affairs with the authority to reimburse veterans enrolled in the veterans health care system for the cost of emergency care or services received in non-Department of Veterans Affairs facilities; to the Committee on Veterans' Affairs.

By Mr. DELAHUNT:

H.R. 3703. A bill to establish the Adams National Historical Park in the Commonwealth of Massachusetts as the successor to the Adams National Historic Site; to the Committee on Resources.

By Mr. FORBES:

H.R. 3704. A bill to direct the Secretary of Transportation to conduct a study and issue a report on predatory and discriminatory practices of airlines which restrict consumer access to unbiased air transportation passenger service and fare information; to the Committee on Transportation and Infrastructure.

By Mr. GIBBONS (for himself and Mr. ENSIGN):

H.R. 3705. A bill to provide for the sale of certain public lands in the Ivanpah Valley, Nevada, to the Clark County Department of Aviation; to the Committee on Resources.

By Mr. HERGER:

H.R. 3706. A bill to authorize the Secretary of the Interior to implement the provisions of the Agreement conveying title to a Distribution System from the United States to the Clear Creek Community Services District; to the Committee on Resources.

By Mr. SAM JOHNSON (for himself and Mr. HAYWORTH):

H.R. 3707. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to allow reductions in the discretionary spending limits to be used to offset tax cuts; to the Committee on the Budget.

By Mr. OBEY:

H.R. 3708. A bill to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area; to the Committee on Resources.

By Mr. RILEY (for himself, Mr. BACHUS, Mr. ADERHOLT, Mr. CALLAHAN, Mr. CRAMER, Mr. HILLIARD, Mr. EVERETT, and Mr. JENKINS):

H.R. 3709. A bill to amend the Taxpayer Relief Act of 1997 to provide for the abatement of interest on underpayments by taxpayers in Presidentially declared disaster areas in 1998; to the Committee on Ways and Means.

By Mr. SCARBOROUGH (for himself, Ms. CARSON, Mr. CUNNINGHAM, Mrs. MINK of Hawaii, Mr. SAWYER, Mr. ABERCROMBIE, and Mr. FROST):

H.R. 3710. A bill to exonerate the late Rear Admiral Charles Butler McVay, III, captain of the U.S.S. INDIANAPOLIS when it was sunk on July 30, 1945, from responsibility for that sinking, and for other purposes; to the Committee on National Security.

By Mr. SMITH of Michigan:

H.R. 3711. A bill to amend title 11 of the United States Code to make debts to governmental units for the care and maintenance of minor children nondischargeable; to the Committee on the Judiciary.

By Mr. SOLOMON:

H.R. 3712. A bill to prohibit the expenditure of Federal funds to provide or support programs to provide individuals with hypodermic needles or syringes for the use of illegal drugs; to the Committee on Commerce.

By Mr. STARK (for himself, Mr. WAXMAN, Mr. MATSUI, Mr. MILLER of California, Mr. BROWN of Ohio, Ms. ESHOO, and Mr. LANTOS):

H.R. 3713. A bill to amend title XXI of the Social Security Act to prevent conflicts of interest in the use of administrative vendors in the administration of State Children's Health Insurance Plans; to the Committee on Ways and Means.

By Mr. WICKER (for himself, Mr. HASTERT, Mr. BARR of Georgia, and Mr. DELAY):

H.R. 3714. A bill to establish a prohibition regarding illegal drugs and the distribution of hypodermic needles; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. MANZULLO, Mr. LINDER, and Mr. GILCHREST.

H.R. 371: Mr. KILDEE and Mr. BARCIA of Michigan.

H.R. 678: Mr. DELAY, Ms. KILPATRICK, Mr. MCHUGH, Mrs. KENNELLY of Connecticut, Ms. HARMAN, Mr. Gibbons, Mr. SKAGGS, Mr. DIXON, Mr. DICKS, Mr. GEJENSON, and Mr. BAKER.

H.R. 900: Mr. BALDACCI.

H.R. 980: Mr. NORWOOD.

H.R. 1023: Mr. PORTMAN.

H.R. 1126: Mr. HALL of Texas, Mr. BISHOP, and Mr. PACKARD.

H.R. 1165: Mrs. LOWEY.

H.R. 1231: Mr. THOMPSON, Mr. MCHALE, Mr. KANJORSKI, and Mr. ANDREWS.

H.R. 1241: Mr. WAXMAN and Mr. MARTINEZ.

H.R. 1376: Mr. BROWN of Ohio.

H.R. 1401: Mr. DEUTSCH.

H.R. 1425: Mr. MENENDEZ.

H.R. 1525: Mrs. MINK of Hawaii, Mr. LOBIONDO, and Mr. TRAFICANT.

H.R. 1586: Ms. NORTON, Ms. ESHOO, Ms. PELOSI, Mr. HINCHEY, Mr. KILDEE, and Mr. BROWN of California.

H.R. 1715: Mr. HEFLEY, Mr. MCDERMOTT, Mr. HOSTETTLER, Ms. NORTON, Mr. YATES, and Mr. FILNER.

H.R. 1766: Mr. ADERHOLT, Mr. BAKER, Mr. BALDACCI, Mrs. CAPPS, Ms. DEGETTE, Ms. DELAURO, Ms. FURSE, Mr. HERGER, Mr. HORN, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. KELLY, Mr. KIND of Wisconsin, Mr. KUCINICH, Mr. LEWIS of Kentucky, Mr. RUSH, and Ms. STABENOW.

H.R. 1788: Mr. BALDACCI.

H.R. 1813: Mr. TORRES and Mr. BORSKI.

H.R. 1895: Ms. SLAUGHTER, Mr. LAMPSON, Mr. BARRETT of Wisconsin, and Mrs. LOWEY.

H.R. 1972: Mr. SMITH of New Jersey.

H.R. 2081: Mr. WYNN.

H.R. 2094: Mrs. MORELLA and Mr. BROWN of California.

H.R. 2173: Mr. GUTIERREZ, Mr. LUTHER, and Mr. BACHUS.

H.R. 2202: Mr. SAWYER, Mr. BISHOP, Mr. BONIOR, Mrs. CLAYTON, Mr. HINOJOSA, Mr. KUCINICH, Mr. LIPINSKI, Ms. MCCARTHY of Missouri, Mr. MILLER of California, and Mr. NEAL of Massachusetts.

H.R. 2224: Mr. OLVER.

H.R. 2291: Mr. BOB SCHAFFER.

H.R. 2409: Mr. CAMP, Mr. UPTON, Mr. SHAYS, Mr. HORN, and Mr. QUINN.

H.R. 2431: Mr. STENHOLM, Mr. BALDACCI, Mr. FILNER, and Mr. KIND of Wisconsin.

H.R. 2454: Mr. GILMAN.

H.R. 2457: Mr. GILMAN.

H.R. 2499: Ms. DUNN, Mr. WOLF, Mr. HALL of Ohio, Mr. JEFFERSON, Mr. CALLAHAN, Mr. DAVIS of Illinois, Mr. YATES, Mr. CALVERT, Mr. WALSH, Mr. KUCINICH, and Mr. BERMAN.

H.R. 2547: Mrs. TAUSCHER and Mrs. CAPPS.

H.R. 2609: Mr. ADERHOLT.

H.R. 2664: Mr. UNDERWOOD, Mr. SERRANO, Mrs. THURMAN, Ms. JACKSON-LEE, and Mr. DAVIS of Illinois.

H.R. 2678: Mr. STARK.

H.R. 2714: Mr. HOLDEN and Mrs. KENNELLY of Connecticut.

H.R. 2754: Mr. GORDON, Mr. KILDEE, Mr. KUCINICH, and Mr. BISHOP.
H.R. 2788: Mr. LAFALCE.
H.R. 2817: Ms. RIVERS and Mrs. JOHNSON of Connecticut.
H.R. 2863: Mr. HASTINGS of Washington.
H.R. 2874: Ms. LOFGREN, Mr. MCHUGH, Mr. LANTOS, and Mr. BALDACCI.
H.R. 2884: Mr. SAXTON.
H.R. 2912: Mr. DEFAZIO.
H.R. 2929: Mr. PARKER.
H.R. 2936: Mr. JONES.
H.R. 3043: Ms. CARSON, Mr. SHERMAN, and Mr. FROST.
H.R. 3050: Mr. MANTON, Mr. ACKERMAN, Mr. DICKS, Mr. KILDEE, and Mr. VENTO.
H.R. 3073: Mrs. CAPPS.
H.R. 3074: Mrs. CAPPS.
H.R. 3084: Mr. SANDERS.
H.R. 3131: Mr. SALMON.
H.R. 3140: Mr. BRADY, Mr. JOHN, and Mrs. CUBIN.
H.R. 3149: Mr. CHABOT.
H.R. 3151: Mr. CHABOT.
H.R. 3177: Mr. BAKER and Mr. CHRISTENSEN.
H.R. 3181: Mr. PASTOR and Mr. ROTHMAN.
H.R. 3205: Mr. BONIOR.
H.R. 3206: Mr. HASTINGS of Washington, Mr. EHRLICH, Mr. ISTOOK, and Mrs. CUBIN.
H.R. 3217: Mr. STARK and Mr. HULSHOF.
H.R. 3260: Mr. KASICH, Mr. BURR of North Carolina, Mr. BUYER, and Mrs. MYRICK.
H.R. 3293: Mr. RUSH, Mr. WYNN, Mr. BONIOR, and Mr. ABERCROMBIE.
H.R. 3297: Mr. HASTINGS of Washington and Mr. EVERETT.
H.R. 3300: Mr. POMEROY.
H.R. 3336: Mr. FOLEY.
H.R. 3341: Ms. VELAZQUEZ and Mr. DAVIS of Illinois.
H.R. 3400: Mr. YATES.
H.R. 3435: Mr. KANJORSKI, Mr. MCINNIS, Mr. HAYWORTH, and Mrs. TAUSCHER.
H.R. 3445: Mr. FORBES.
H.R. 3470: Mr. TORRES, Mr. DIXON, Mr. MARTINEZ, and Mr. ABERCROMBIE.
H.R. 3474: Mrs. KENNELLY of Connecticut, Mr. ROMERO-BARCELO, Mr. SANDERS, and Mr. WEYGAND.
H.R. 3503: Mr. GEJDENSON, Mr. HILLIARD, and Mr. NADLER.
H.R. 3506: Mr. HAMILTON, Mr. WALSH, Mr. GOODLING, Mr. MANTON, Mr. PAXON, Mr. SNYDER, Mr. MCNULTY, Mr. FOX of Pennsylvania, Mr. VENTO, Mrs. BONO, Mr. CHABOT, Mrs. CUBIN, Mr. COBLE, Mr. REGULA, Mr. HOYER, Mrs. MINK of Hawaii, Mr. SHIMKUS, Mrs. CAPPS, Mr. COYNE, Mr. SAXTON, Mr. TOWNS, Mr. BLILEY, Mr. ADAM SMITH of Washington, Mr. WOLF, and Mrs. MYRICK.
H.R. 3517: Mr. NETHERCUTT, Ms. FURSE, Mr. COOK, Mr. MCDADE, Mr. FOLEY, Mr. ROMERO-BARCELO, Mr. KLECZKA, Mr. FROST, Mr. BONIOR, Mr. LANTOS, and Mr. CALVERT.
H.R. 3546: Mr. REDMOND, Mr. HERGER, and Mr. WELLER.
H.R. 3547: Mr. NEAL of Massachusetts.
H.R. 3567: Mr. MALONEY of Connecticut, Mr. BONIOR, Mr. BARCIA of Michigan, and Mr. KIND of Wisconsin.
H.R. 3584: Mr. BENTSEN, Mr. KLECZKA, Mr. CAMP, Mr. ROMERO-BARCELO, Mr. CAMPBELL, Mr. MENENDEZ, Mr. LEACH, Mr. SMITH of New Jersey, Mr. PAUL, Mr. NETHERCUTT, Mr. FROST, Mr. BARRETT of Wisconsin, and Mr. COOKSEY.
H.R. 3605: Mr. LIPINSKI, Mrs. LOWEY, Mr. CLYBURN, Mr. BORSKI, Mr. MEEKS of New York, Mr. WATT of North Carolina, Mr. GONZALEZ, Mr. MALONEY of Connecticut, Mr. HALL of Ohio, Mr. BALDACCI, Mr. ACKERMAN, Mr. RODRIGUEZ, Ms. HARMAN, Ms. MILLENDER-MCDONALD, Mr. LAMPSON, Mr. BECERRA, and Mr. SNYDER.
H.R. 3610: Mrs. MORELLA, Mr. KENNEDY of Massachusetts, Mr. GILCHREST, Mr. DAVIS of Virginia, Mr. MCGOVERN, Mr. NEY, and Mr. MCNULTY.
H.R. 3627: Mr. KENNEDY of Rhode Island, Ms. ESHOO, Mr. MANTON, Ms. MCKINNEY, Mr. ENGEL, Mrs. MEEK of Florida, Mr. HINCHEY, and Mr. FROST.
H.R. 3629: Mr. SESSIONS.
H.R. 3647: Mr. SHAW.
H.R. 3661: Ms. WOOLSEY and Mr. NADLER.
H.R. 3690: Mr. PICKETT and Mr. BOEHNER.
H.J. Res. 108: Mr. MARKEY.
H. Con. Res. 19: Mr. POSHARD, Mr. WAXMAN, Mr. SCHUMER, and Mr. WEXLER.
H. Con. Res. 55: Mr. UPTON, Mr. MENENDEZ, and Mr. NEAL of Massachusetts.
H. Con. Res. 220: Mr. MENENDEZ, Mrs. MORELLA, and Mr. PAPPAS.
H. Con. Res. 229: Mr. BILIRAKIS, Mr. BONIOR, Mr. ENGLISH of Pennsylvania, Mr. HUTCHINSON, Ms. LOFGREN, Mrs. MYRICK, Mr. PALLONE, Mr. QUINN, Mr. SCHUMER, and Mr. SNYDER.
H. Con. Res. 233: Mr. FORBES, Mr. TANNER, Mr. PAYNE, Ms. STABENOW, Mr. CLEMENT, and Ms. LOFGREN.
H. Con. Res. 239: Mr. MCNULTY.
H. Con. Res. 249: Mr. BROWN of California, Mr. GUTIERREZ, Mr. COSTELLO, Mr. BISHOP, Mr. SANDERS, Ms. WOOLSEY, Mr. LANTOS, Mrs. CAPPS, Mr. CAMP, and Mr. ENGLISH of Pennsylvania.
H. Con. Res. 254: Mr. LANTOS, Mr. FRELINGHUYSEN, Mr. SMITH of New Jersey, Mr. PAPPAS, Mr. FOSSELLA, and Mr. ROTHMAN.
H. Res. 247: Mr. BALDACCI.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1252

OFFERED BY: MR. ADERHOLT

AMENDMENT NO. 1: Page 8, line 15, insert ''or to disburse any funds to remedy the deprivation of a right under the Constitution,'' after ''tax,''.

Page 8, line 21, strike ''or assessment'' and insert ''assessment, or disbursement''.

Page 9, line 1, insert ''or disbursement of funds'' after ''tax'',

Page 9, line 9, strike ''or assessment'' and insert ''assessment, or disbursement''.

Page 9, line 10, insert ''or disbursement of funds'' after ''tax''.

Page 9, line 11, insert '', or (in the case of a disbursement of funds) of the residents of the State or political subdivision,'' after ''taxpayers''.

Page 9, line 17, insert ''or disburse any funds to remedy the deprivation of a right under the Constitution'' after ''tax''.

Page 9, line 20, insert ''or disburse any funds to remedy the deprivation of a right under the Constitution after ''tax''.

Page 10, line 7, insert after ''tax,'' the following: ''and any person or entity that is a resident of the State or political subdivision that would be required to disburse funds under paragraph (1) shall have the right to intervene in any proceeding concerning such disbursement,''.

Page 10, line 16, insert '', or disburse the funds,'' after ''tax''.

Page 10, line 21, insert '', or the disbursement of funds,'' after ''tax''.

Page 10, line 25, insert ''or the disbursement of funds, as the case maybe'' after ''tax''.

Page 11, line 10, insert '', or a disbursement of funds that is made,'' after ''imposed''.

H.R. 1252

OFFERED BY: MR. CAMPBELL

AMENDMENT NO. 2: Page 9, line 5, add ''and'' after the semicolon.

Page 9, line 9, strike ''; and'' and insert a period.

Page 9, strike lines 10 through 12.

H.R. 1252

OFFERED BY: MR. DELAHUNT

AMENDMENT NO. 3: Page 9, strike lines 13 through 20 and insert the following:

''(2) The limitation contained in paragraph (1) shall apply only to any order or settlement which expressly directs any State, or political subdivision of a State, to impose, increase, levy, or assess any tax.

Redesignate succeeding paragraphs accordingly.

H.R. 1252

OFFERED BY: MR. DELAY

AMENDMENT NO. 4: Add the following at the end:

SEC. 12. LIMITATION ON PRISONER RELEASE ORDERS.

(a) IN GENERAL.—Chapter 99 of title 28, United States Code, is amended by adding at the end the following new section:

''§ 1632. Limitation on prisoner release orders

''(a) LIMITATION.—Notwithstanding section 3626(a)(3) of title 18 or any other provision of law, in a civil action with respect to prison conditions, no court of the United States or other court listed in section 610 shall have jurisdiction to enter or carry out any prisoner release order that would result in the release from or nonadmission to a prison, on the basis of prison conditions, of any person subject to incarceration, detention, or admission to a facility because of a conviction of a felony under the laws of the relevant jurisdiction, or a violation of the terms or conditions of parole, probation, pretrial release, or a diversionary program, relating to the commission of a felony under the laws of the relevant jurisdiction.

''(b) DEFINITIONS.—As used in this section—

''(1) the terms 'civil action with respect to prison conditions', 'prisoner', 'prisoner release order', and 'prison' have the meanings given those terms in section 3626(g) of title 18; and

''(2) the term 'prison conditions' means conditions of confinement or the effects of actions by government officials on the lives of persons confined in prison.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 99 of title 28, United States Code, is amended by adding at the end the following new item:

''1632. Limitation on prisoner release orders.''.

(c) CONSENT DECREES.—

(1) TERMINATION OF EXISTING CONSENT DECREES.—Any consent decree that was entered into before the date of the enactment of the Prison Litigation Reform Act of 1995, that is in effect on the day before the date of the enactment of this Act, and that provides for remedies relating to prison conditions shall cease to be effective on the date of the enactment of this Act.

(2) DEFINITIONS.—As used in this subsection—

(A) the term ''consent decree'' has the meaning given that term in section 3626(g) of title 18, United States Code; and

(B) the term ''prison conditions'' has the meaning given that term in section 1632(c) of title 28, United States Code, as added by subsection (a) of this section.

H.R. 1252

OFFERED BY: MR. ROGAN

AMENDMENT NO. 5: Strike section 6 and redesignate succeeding sections, and references thereto, accordingly.